SAN FRANCISCO PUBLIC LIBRARY
3 1223 06447 2336

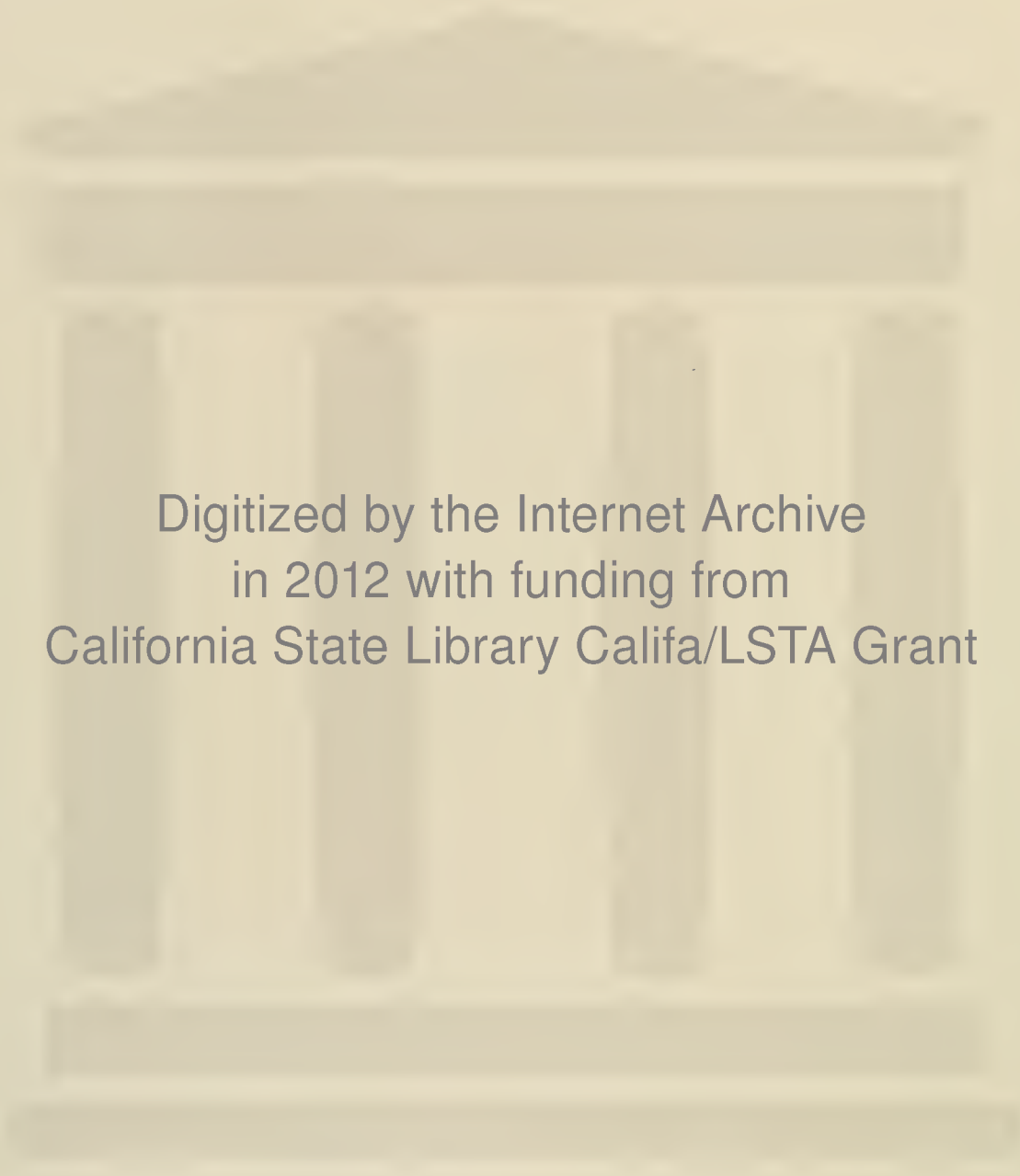
S/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library



Digitized by the Internet Archive
in 2012 with funding from
California State Library Califa/LSTA Grant

http://archive.org/details/minutesofmeeting2002huma

Board of Supervisors
City Hall
#1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689
415-554-5184 Phone
415-554-5163 Fax

Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, California 94102-6033
415-252-2500 Phone
415-431-5764 Fax

The San Francisco Board of Supervisors' Social Policy Committee
and
The San Francisco Human Rights Commission
will hold a Joint Hearing on

Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001.

The Hearing seeks to solicit testimony from Arab Americans, Muslims, South Asians, people of Middle Eastern descent, immigrants and refugees.

Elected officials, federal agencies, and city departments will be in attendance to address the public's increasing concerns and provide information on the types of services being offered.

Thursday, January 10, 2002
5:00 p.m.
City Hall, Legislative Chambers, Room 250
1 Dr. Carlton B. Goodlett Place
(Arabic translation services will be available)

DOCUMENTS DEPT
DEC 19 2001
SAN FRANCISCO
PUBLIC LIBRARY

For questions, please contact:
Mike Farrah, Supervisor Gavin Newsom's Office @ (415) 554-5944
Nichole Truax, Human Rights Commission @ (415) 252-2517

3 1223 06447 2336

01-23-02A10:31 RCVD

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JAN 2 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, January 24, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Interim Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   a. Approval of minutes filed under of Commission Meeting of December 13, 2001
   [➲Action Item *Attachment Provided*]

4. CIRCULATE GENERAL COMMUNICATIONS FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
   [◎Discussion Item]
   b. Update on and action to authorize HRC Staff to create a report from information obtained at January 10 Hearing Regarding Discrimination and Hate Crimes Against Members of Arab American, Muslim, South Asian and Other Minority Communities (Truax)
   [◎Discussion Item ➲Action Item]

7. REPORT OF THE DIRECTOR

   a. Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color (Jones, Aseron, Delgado)
   [◎Discussion Item]
   b. Chapter 12.D.A. Waiver Report for December (Wesley)
   [◎Discussion Item *Attachment Provided*]
   c. Presentation of HRC resolution to Panetta C. Scott (Fields)
   [◎Discussion Item]

9. HRC DIVISION REPORTS

a. Lesbian, Gay, Bisexual, Transgendered, HIV Division:
   i. Report on the Commission's HIV in the Workplace Training (Rivera-Weiss, Lee)
   [◎Discussion Item *Attachment Provided*]

10. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee
   Commissioner Martha Knutzen, Chair
   Commissioner Theresa Sparks, Vice Chair
   Larry Brinkin, Committee Staff

   i. Report of January 15, 2002 Committee meeting
   [◎Discussion Item]

   NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, February 19, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b. Employment Committee
   Commissioner Larry Lee, Chair
   Commissioner Wilfred Hsu, Vice Chair

   i. No Report.
   [◎Discussion Item]

   NOTE: *The next meeting of the Employment Committee will be held on Thursday, February 7, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee
   Commissioner Theresa Sparks, Chair
   Commissioner Haig Baghdassarian, Vice Chair
   Emil De Guzman, Committee Staff

   i. Possible adoption of resolution supporting the Board of Supervisors Resolution No. 012006 (deGuzman)
   [◎Discussion Item ➲Action Item *Attachment Provided*]

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, January 22, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis, Vice Chair
James Fields, Committee Staff

i. Report of December 19, 2001 Committee meeting
[◎Discussion Item]

ii. Possible adoption of resolution honoring the life of Pepito 'Pete' Ordonez Lapid (Fields)
[◎Discussion Item ➲Action Item *Attachment Provided*]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, February 20, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Charles L. Ward, Vice Chair
Toni A. Delgado, Committee Staff
Melinda Wesley, Committee Staff

i. No Report.

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, February 6, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

CLOSED SESSION

11. EXECUTIVE SESSION
a. Vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee
[➲Action Item]

b. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Interim Director Virginia Harmon for Pay-For-Performance Program

12. RECONVENE IN OPEN SESSION
    a. Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
    [➲Action Item]
    b. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
    [➲Action Item]

RETURN TO REGULAR BUSINESS

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

NEXT MEETING: THURSDAY, FEBRUARY 14, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

MEMORANDUM

To: Chair Ghada Saliba-Malouf and Members of the Human Rights Commission
From: James Fields, Senior Contract Compliance Officer
Date: January 24, 2002
Subject: December Waiver Log

Per your request, please find documentation supporting the waivers granted during the month of December. A brief synopsis of each waiver request and basis for its determination is included.

No.1 SOLE SOURCE Department of Human Services requested a waiver for Peregrine Systems to implement the Telemanagement software installation, implementation and training integrated by Peregrine.

The waiver was granted because the system itself is an integrated system comprised of three Peregrine software modules, tightly integrated through a Peregrine technology called Connect IT. Peregrine, the manufacturer, has certified only one firm, Evergreen, to implement the necessary hardware and software.

No.2 SOLE SOURCE Department of Human Services requested a waiver for Abbot Laboratories to supply tests kits.

The waiver was granted because the Federal HIV grant for this project requires Abbot to supply the testing reagents, kits and supplies in the diagnosis of Hepatitis, Rubella, Chlamydia and Gonorrhea infection. Abbot's products are the most accurate, encompassing both sensitivity and specificity.

No. 3 SOLE SOURCE Recreation and Park Department requested a waiver for Paulett Taggart Architects (PTA) for the North Beach Pool and Recreation Center Renovation project.

The waiver was granted because PTA is the Architect of Record and the San Francisco Department of Building Inspection requires construction drawings and specifications to be signed by the and stamped by the Architect of Record. Through collaboration between the community and Recreation and Park Department, PTA was hired as the architectural firm to assess the aquatic and recreational needs of that community, and to work as the principal architect to develop the program, plan and design of the North Beach Pool and Recreation Center Renovation.

No.4 SOLE SOURCE PUC requested a waiver for Lotepro Corporation to provide maintenance services for the Oxygen Facilities at Southeast and Oceanside Plants.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

This waiver was granted because Lotepro owns the proprietary rights to the oxygen equipment they use, and specializes in oxygen activated sludge engineering and operation. Any failure of the oxygen facilities may result in process upset, the plants may shut down leading to National Pollutant Discharge Elimination System (NPDES) permit violations. Subcontracting would mean taking a risk. Also, it would not be cost effective to have two contractors do this work

HIV IN THE WORKPLACE
TECHNICAL ASSISTANCE PROJECT

RESOURCE MATERIALS

City and County of San Francisco

Human Rights Commission

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Table of Contents

EDUCATIONAL MATERIALS

Legal Overview 3

Reasonable Accommodation 5

Job Interviewing 7

Medical Inquiries and Confidentiality 9

Family and Medical Leave Act 11

Serving Clients and Customers with HIV/AIDS 13

SAMPLE WORKPLACE POLICIES

Reasonable Accommodation Policy 15

Life Threatening Illness Policy 17

Nondiscrimination Policies
- Employees 21
- Clients 21

Bereavement Leave Policy 23

Confidentiality Policies for Employees and Clients 24

REFERRAL RESOURCES

Referral Guide 26

The San Francisco Human Rights Commission's HIV in the Workplace Technical Assistance Project assists employers and employees in responding to the impact of HIV. For more information, consultation, policy development, training, technical assistance and referral services, contact the Human Rights Commission at (415) 252-2500.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

LEGAL OVERVIEW

Federal, State and local laws govern the employment of people with disabilities, including people with HIV. These laws also describe how clients and customers with HIV must be treated and served. This fact sheet is designed to provide an overview of the law as it affects the rights and responsibilities of employers, employees, managers, service providers, clients and customers.

Discrimination Against Employees with HIV is Illegal

It is illegal to discriminate against employees and applicants for employment who have HIV, who associate with people with HIV, or who are perceived to have HIV. An individual need not have a disability to be protected. Discrimination means unfair or unequal treatment with respect to any aspect of employment, including hiring, advancement, transfer, demotion, lay-off, termination, compensation, training and working conditions.

Employees with HIV May Be Entitled to Reasonable Accommodation

The Americans with Disabilities Act (ADA) is a federal law that, under certain circumstances, requires businesses with fifteen or more employees to modify or adjust some aspect of a job or work environment so that an employee with a disability can be hired, continue to work, or have access to the same facilities and privileges as other employees. Under State law, employers with five or more employees are covered. This legal concept is known as reasonable accommodation.

It is up to the employee or job applicant to ask for reasonable accommodation. An employee seeking accommodation may have to provide documentation from his or her health care provider in order to verify the fact that the employee has a disability and to describe the nature of the accommodation needed. Because employers are allowed to make an independent assessment of an employee's right to reasonable accommodation, an employer also may be entitled to know what disabling condition the employee has. Employees with disabling HIV or AIDS might avoid disclosing their HIV status by instead disclosing what disabling condition they have (e.g., fatigue).

As long as it accommodates the employee's disability, an employer may choose the accommodation that best meets business needs. Employers are not required to provide accommodation if the cost of doing so would create an undue hardship on their business. An undue hardship means that, relative to the size and type of business involved, the accommodation would be unduly costly, disruptive, or would fundamentally alter the nature or operation of the business.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Discrimination Against Clients and Customers is Against the Law

Anyone who owns or operates a public accommodation, or who leases (or leases to) a public accommodation, may not discriminate against a person with HIV in providing goods and services to them. This includes the opportunity to use or benefit from the service or business, equality of benefits or services, and benefits or services that are not different or separate from those received by others. Almost all businesses are public accommodations. All service providers (including AIDS service organizations), sales and rental establishments, all places of education, all places selling food or providing lodging, and all places of recreation are covered. Under certain circumstances, some private clubs and religious organizations may be exempt. Laws governing public accommodations protect people with HIV (whether or not they are symptomatic), people perceived to have HIV and people who associate with people with HIV, such as a partner, caregiver, or child.

Clients & Customers with HIV May Be Entitled to Reasonable Accommodation

Under certain circumstances, a public accommodation must modify its practices, or provide aids and services to assist a person with HIV, if to do so would make it possible for that person to use the goods and services. If making a modification or providing assistance would fundamentally alter the nature of the goods or services being offered, or place an undue burden on the business, then accommodation is not required under the law.

Confidentiality of Medical Information is Required By Law

The law requires that employers establish procedures to ensure the confidentiality of employee medical records. Such records can only be disclosed to supervisors and managers when an accommodation is at issue. Otherwise, disclosure should only take place with the employee's specific written authorization. Under no circumstances should an employer require that an employee disclose his or her HIV status to others.

HIV Status Testing and Inquiries

Under the ADA, medical examinations and inquiries of employees are permitted only after a conditional job offer has been made and only if the exam or inquiry is made to all similarly situated applicants. Under San Francisco law, HIV testing or inquiries of employees may only occur if the employer can show a job-related reason for doing so. In most cases, HIV testing and inquiries of clients and customers is prohibited. Clients of AIDS service organizations may need to show proof of HIV status to be eligible for service. In limited circumstances, medical necessity may allow for HIV testing or inquiry.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

REASONABLE ACCOMMODATION

Federal and State laws require that, under certain circumstances, an employer accommodate an employee with a disability so that the employee may continue to work. These laws include people with HIV-related disabilities. This fact sheet is designed to help you understand what reasonable accommodation is, who is entitled to it, how to get it, and what it might look like for people who are HIV positive.

What is Reasonable Accommodation?

The Americans with Disabilities Act (ADA) is a federal law requiring all businesses with fifteen or more employees to modify or adjust some aspect of a job or work environment so that an employee with a disability can (1) be hired, (2) continue to work, or (3) have access to the same facilities and privileges as other employees. Under State law, employers with five or more employees are covered. This legal concept is known as reasonable accommodation.

Who is Entitled to Reasonable Accommodation?

To be eligible for reasonable accommodation, an employee or job applicant must have a disability and be qualified to do the essential functions of a job. The essential functions of a job are the fundamental job duties. An employee or applicant is qualified to perform the essential job functions if he or she satisfies the experience, education or other job related requirements of the position, even if he or she can only do so with reasonable accommodation. For example, someone who has the typing skills required for a word processing job, and who has a visual impairment, would be considered qualified for the job even if he needs a large print computer screen to do the job.

When Can a Request For Reasonable Accommodation Be Denied?

While most accommodations cost less than $100, and about one-third cost nothing at all, employers are not required to accommodate employees or job applicants if the cost of doing so would create an undue hardship on their business. An undue hardship exists if, relative to the size and type of business involved, the accommodation would be unduly costly, disruptive, or would fundamentally alter the nature or operation of the business. For example, an agency with a small budget might face an undue hardship if asked to install an elevator so an employee could reach its second floor office.

How Does an Employee or Job Applicant Get Accommodated?

It is up to the employee or job applicant to ask for reasonable accommodation. If you don't ask for an accommodation, your employer has no obligation to provide you with one. In fact, employers are prohibited from asking their employees if they need an accommodation, even if their intent is to help the employee. The only exception to this rule is where an employee has a mental impairment that limits his or her ability to ask for an accommodation.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Does the Employee Have to Disclose What His or Her Disability Is?

The law does not clearly answer this question. We know that an employer may ask an employee seeking reasonable accommodation to provide documentation from his or her health care provider in order to verify the fact that the employee has a disability and to describe the nature of the accommodation needed. But because employers are allowed to make an independent assessment of an employee's right to reasonable accommodation, an employer also may be entitled to know what disabling condition the employee has. When such a request is made, employees with disabling HIV or AIDS might avoid disclosing their HIV status by instead disclosing what disabling condition they have (e.g., fatigue). For employees with HIV who are asymptomatic and who are seeking accommodation (for example, time off from work to attend medical appointments), disclosure of HIV status may be unavoidable. In either case, employees seeking to keep their HIV status confidential are encouraged to first disclose that they have a disability. If this disclosure (with proper documentation from a health care provider) does not satisfy the employer, the employer should be encouraged to have this medical assessment verified by its own health care provider, still keeping the underlying condition confidential.

Can Employees Get Whatever Reasonable Accommodation They Want?

No. As long as it accommodates the employee's disability, employers may chose the accommodation that best meets their business needs. For example, an employee with HIV may request a transfer to a less stressful position, but the employer may instead restructure the employee's job in order to reduce the level of stress associated with it.

What Does Reasonable Accommodation Mean for People With HIV/AIDS?

Reasonable accommodation most often is thought of as requiring physical modification of a work site so that a disabled employee may gain access or mobility, for example as seen in the installation of a wheelchair ramp or elevator. For an employee with HIV/AIDS, reasonable accommodation may involve these types of physical changes. More common, however, are changes in work schedules and responsibilities. Common accommodations include: reduced work hours, time off for medical appointments, extra breaks during the day, reassignment of job responsibilities and transfer to a different job to reduce stress.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

JOB INTERVIEWING

Can an Employer Ask Me About My Health During an Employment Interview?

No. An employer cannot ask you about the existence, nature or severity of a disability or medical condition. An employer may only ask about your ability to perform specific, job-related functions during a job interview or at any other time. For example, an employer may state that a job requires lifting fifty pounds and climbing ladders and then ask you whether you can do these tasks either with or without reasonable accommodation.

I Am Returning to Work After a Long Absence Due to Illness. How Should I Explain the Gap In My Resume?

This can be a difficult question to answer. Each individual must decide for him or herself what answer best fits their situation. The most important thing is to be prepared to answer the question, in case it comes up in the interview. You can choose to discuss your illness in answering this question, for example: "I had a serious illness, but I am healthy now, and ready to work." If you did something else during your absence from the workplace, such as went on a trip, or took a class, you can focus on those things. If you have to explain a long absence, the best thing to do is to explain it as quickly as possible, and then move on to the positive points of your resume and your ability to do the job.

Can a Potential Employer Ask Me To Take a Medical Exam?

Under certain circumstances, an employer may require that a job applicant take a medical examination. An employer may require a medical exam or make medical inquiries only after a job offer has been made and only if the same medical exam is given to all applicants offered that position. The employer may not withdraw the job offer after the examination based on the applicant's disability unless the employer proves that the disability prevents the applicant from performing an essential function of the job, even with reasonable accommodation.

Can a Potential Employer Ask Me To Take an HIV Test?

San Francisco law specifically prohibits an employer from requiring HIV testing unless an employee's HIV status can be shown, by the employer, to be specifically related to the ability to perform the job. This is called a "bona fide occupational qualification." Federal law, however, has no protections specific to HIV testing. Therefore, an employer outside of San Francisco may require HIV testing whether or not the results relate to the ability to perform the job, as long as they require the test of all applicants. However, just as with any medical exam, the employer may only withdraw an offer if the employer can show that being HIV negative (or HIV positive) prevents the applicant from performing the essential functions of the job.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

If I Need Reasonable Accommodation For a Disability, Should I Ask For It During The Interview?

It depends. While an employer is not allowed ask you if you have a disability, he or she may ask if you can perform certain essential job functions, such as lifting 50 pound boxes or driving a car. If you are asked to demonstrate your ability to perform the job function, and you can do so only with accommodation, you will need to request an accommodation at that time. Otherwise, it may be better to wait until a job offer is made before requesting an accommodation. If you do ask for an accommodation during a job interview, an employer is not allowed to refuse to hire you on that basis unless the accommodation you request imposes an undue hardship on the employer. However, if you don't get hired after asking for accommodation, it may be very difficult to prove that the employer did not hire you because you asked about an accommodation. For that reason, it may be better to wait to disclose that you have a disability and ask for reasonable accommodation until after you are offered a job.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

MEDICAL INQUIRIES AND CONFIDENTIALITY

I Just Found Out I'm HIV Positive; Do I Have to Tell My Employer?

No. You don't have to tell your employer that you are HIV positive. Unless you are seeking reasonable accommodation for a disability, you are not obligated to tell your employer anything about your HIV status. Some people choose to tell their employer about their HIV status because they feel comfortable that discrimination will not occur and that their employer will be supportive and empathic.

What Must I Tell My Employer When I Ask for Reasonable Accommodation?

The law does not clearly answer this question. We know that an employer may ask an employee seeking reasonable accommodation to provide documentation from his or her health care provider in order to verify the fact that the employee has a disability and to describe the nature of the accommodation needed. But because employers are allowed to make an independent assessment of an employee's right to reasonable accommodation, an employer also may be entitled to know what disabling condition the employee has. When such a request is made, employees with disabling HIV or AIDS can try to avoid disclosing their HIV status by instead disclosing what disabling condition they have (e.g., lymphoma, fatigue). For employees with HIV who are asymptomatic and who are seeking accommodation (for example, time off from work to attend medical appointments), disclosure of HIV status may be unavoidable. In either case, employees seeking to keep their HIV status confidential are encouraged to first disclose that they have a disability. If this disclosure (with proper documentation from a health care provider) does not satisfy the employer, the employer should be encouraged to have this medical assessment verified by its own health care provider, still keeping the underlying condition confidential.

How Confidential Is Medical Information Kept By My Employer?

The law requires that employers establish procedures to ensure the confidentiality of employee medical records. Employers must keep these records in separate files from other personnel records. Medical information may be disclosed to supervisors and managers only when the information is about necessary restrictions of the work or duties of the employee or about necessary accommodations. Otherwise, disclosure should only take place with the employee's specific written authorization. An employer should never require that an employee disclose his or her HIV status to others.

When I Apply For A Job, Can I Be Asked If I Am HIV Positive Or If I Have A Disability?

No. An employer cannot ask you about the existence, nature, or severity of a disability or medical condition. An employer may only ask about your ability to perform specific job-related functions. For example, an employer may state that a job requires lifting fifty pounds and climbing ladders and then ask you whether you can do these tasks either with or without reasonable accommodation.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

When I Apply For a Job, Can I Be Required To Take a Medical Exam?

Under certain circumstances, an employer may require that a job applicant take a medical examination. An employer may require a medical exam or make medical inquiries only after a job offer has been made and only if the same medical exam is given to all applicants offered that position. The employer may not withdraw the job offer after the examination based on the applicant's disability unless the employer proves the disability prevents the applicant from performing an essential function of the job, even with reasonable accommodation.

If I'm Already Working, Can My Employer Require a Medical Exam?

If you are already working, the Federal law states you can only be forced to undergo a medical examination if your employer proves that the test is job-related. The exam must be necessary in order to determine whether you can do your job.

Can My Employer Require That I Take An HIV Test?

Under the Federal Americans with Disabilities Act (ADA), an employer can ask a job applicant to take an HIV test under the same conditions as for other medical examinations. However, under San Francisco law, HIV testing of employees or job applicants is prohibited unless the employer can show a legitimate, job-related reason for testing. Because the ADA allows local governments to pass laws granting broader rights than those established by the ADA, San Francisco law governs in the area of HIV testing.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

FAMILY AND MEDICAL LEAVE ACT

The Federal Family and Medical Leave Act of 1993, and the California Family Rights Act of 1991, describe circumstances under which employees may take a leave of absence from their jobs and be guaranteed the right to return to work. Employers are required to notify their employees of the basic provisions of these laws.

What is Family Leave?

Family Leave laws give certain employees up to 12 weeks of unpaid leave from work per 12 month period, due to the serious health condition of the employee, the employee's child, parent or spouse, or due to the birth, adoption or foster care of a child.

Which Employees Are Eligible For Leave?

Employees are eligible for leave if they have worked for their present employer for at least 12 months and have worked at least 1,250 hours for that employer during the previous 12 months.

What is Considered a Serious Health Condition?

A serious health condition is a physical or mental condition that involves inpatient care in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider. An employer may request reasonable medical documentation of the serious health condition to verify whether an employee is eligible for leave. It is up to the employee to decide whether or not to disclose the underlying medical diagnosis.

Which Employers Must Provide Leave?

Employers with 50 or more employees are covered by the law. An employer with multiple work sites is covered by the law as long as 50 or more employees work within seventy-five miles of the employee requesting the leave. Employers who employ fewer than 50 employees during twenty or more work weeks per year are exempt.

What Does the Law Mean to Employers with Fewer than 50 Employees?

While employers with fewer than 50 employees are not required to provide leave, many do so on a voluntary basis. This is especially true of community based organizations seeking to accommodate employees facing serious health problems.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Can An Employer Expand the Definition of Family?

Many employers wish to offer equitable benefits to their employees and recognize that some families do not fit into the definition offered by the law. By implementing internal policies, these employers can broaden the definition of family to include an employee's domestic partners and their children, as well as other individuals whose close association with the employee is the equivalent of a family relationship. Some employers extending coverage to domestic partners request documentation of the partnership, such as an affidavit declaring mutual support, or registration with a city government Domestic Partnership Registry.

Under What Conditions Does the Employee Return to Work?

An employee returning to work from a leave must be returned to the same position held when the leave began or to an equivalent position. An equivalent position is one with equal benefits, pay, and other terms and conditions of employment. Employees within the top 10% of salaried employees (by compensation) can be denied the right to return to work if to do so would create a hardship to the employer and if the employee was given notice prior to the leave that job restoration would not take place.

What Benefits Do Employees Receive Under the Law?

In addition to receiving 12 weeks of unpaid leave and the right to return to work, an employee may maintain group health care coverage during the leave. Under this provision, the employer and the employee must each pay the portion of the health insurance premium that each paid prior to the leave. (This coverage is not COBRA continuation coverage.)

What About Other Forms of Available Leave?

An employee may elect, or an employer may require, that an employee substitute available paid leave, such as sick leave, unused vacation or personal leave, for any part of the 12 weeks of unpaid family leave.

How Do the Federal and State Laws Affect Each Other?

After the federal law was enacted, the California law was changed to be more compatible with the federal law. In general, the federal law preempts state law. However, covered employers remain responsible for knowing and implementing the provisions of both laws because the federal law does not preempt more generous provisions of the state law.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

SERVING CLIENTS AND CUSTOMERS WITH HIV

The Americans with Disabilities Act (ADA), as well as other Federal, State and local laws, prohibit businesses and service providers from discriminating against customers and clients with disabilities, including HIV and AIDS. With an emphasis on the comprehensive Americans with Disabilities Act, this fact sheet is designed to help business owners and service providers learn how to comply with the law, and to teach people with HIV or other disabilities about their rights.

Which Businesses and Service Providers are Covered by the ADA?

Almost every type and size of business and service provider is covered by the ADA. The law describes these entities as public accommodations, and covers all service providers, sales and rental establishments, all places of education, all places selling food or providing lodging, and all places of recreation. This includes health care providers, counseling centers, hotels, restaurants, movie theaters, all types of stores, and homeless shelters. Government entities, services and programs also are covered. Only certain religious organizations and some private clubs are exempt.

What Does the ADA Prohibit?

Under the ADA, anyone who owns or operates a public accommodation, or who leases (or leases to) a public accommodation, may not discriminate against a person who has or is perceived to have a disability, in providing goods and services to them. This includes the opportunity to use or benefit from the service or business, equality of benefits or services, and benefits or services that are not different or separate from those received by others. For instance, it would be unlawful if:

- A person with HIV was not allowed to eat in a restaurant, shop in a store, or get her tooth filled by a dentist (Opportunity);
- People with AIDS are given haircuts by salon trainees instead of licensed beauticians (Equality);
- A person with AIDS and his friend were not allowed to sit in the window seats in a restaurant (Different or Separate).

Who is Covered by the ADA?

The ADA covers people with AIDS, people with HIV whether or not they are symptomatic, and people perceived to have HIV or AIDS. The ADA also covers people who associate with people with HIV or AIDS, such as a caregiver, partner, spouse, friend or child.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Must a Service Provider or Business Accommodate People with Disabilities?

Under certain circumstances, a public accommodation must modify its policies, practices, and procedures, or provide physical aids and services to assist a person with a disability, if to do so would make it possible for the person with a disability to access goods and services. Examples of accommodations possible under the law include:

- Suspending a policy banning clients who miss appointments for a client with AIDS-related dementia;
- Allowing a seeing eye dog into a restaurant with a "no pets" policy;
- Providing written organizational materials in Braille;
- Providing a sign language interpreter for a deaf patient at a doctor's office.

When is Accommodation Not Required?

If making a modification or providing assistance would fundamentally alter the nature of the goods or services being offered, or place an undue burden on the service provider or business, then accommodation is not required under the law. Under the law, an "undue burden" is an action that imposes a "significant difficulty or expense" on the business or service provider.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

REASONABLE ACCOMMODATION
SAMPLE POLICY

Federal and State laws require that, under certain circumstances, an employer accommodate an employee with a physical or mental disability so that the employee may continue to work. These laws clearly include people with AIDS and those who are HIV positive. Under the Americans with Disabilities Act (ADA), businesses with fifteen or more employees are legally required to accommodate an employee with a disability. Under California law, an employer with five or more employees must accommodate an employee with a physical impairment. Under either law, if the employee is otherwise qualified to perform the essential tasks of a job, and if the cost of accommodating the employee's disability would not create an undue hardship on the company, accommodation is required. This legal concept is known as 'reasonable accommodation.'

The law makes it clear that it is up to the employee to ask for reasonable accommodation. Often, employees with HIV don't ask for accommodation because they don't know they are considered disabled by law, what the law entitles them to, or even what an accommodation is. Without this knowledge, the HIV positive employee becomes fearful of the repercussions of continued and perhaps increasing disability. As this employee's disability increases, his or her job performance may to diminish, which can lead the employer to take disciplinary action, including termination.

The ADA requires that employers post a notice describing the provisions of the ADA. (A poster is available from the Equal Employment Opportunity Commission.) In addition, implementing a specific reasonable accommodation policy is an important part of educating employees and management about HIV in the workplace.

The following sample policy sets out reasonable accommodation language:

The Company pledges itself to a program of affirmative action aimed at assuring equality of employment opportunity and providing reasonable accommodations for the physical and mental limitations of job applicants and employees. No individual will be unlawfully discriminated against because of physical or mental disability. All employment and advancement decisions will be based solely upon the determination of each candidate's qualifications.

The Company will make reasonable accommodations to the physical and mental limitations of employees or applicants for employment that do not impose undue hardship on the conduct of the business. In determining the extent of the Company's accommodation obligations, the following factors, among others, may be considered: (a) business necessity and (b) financial costs and expenses. Possible accommodation includes alterations, adjustments or changes in the job, the workplace and/or terms or conditions of

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

employment which will enable an otherwise qualified individual with a disability to perform a particular job successfully, as determined on a case by case basis, depending on the individual's circumstances.

Employers are allowed to make an independent assessment of an employee's entitlement to reasonable accommodation and may ask an employee seeking accommodation to provide documentation from his or her health care provider to verify the fact that the employee has a disability and to learn what accommodation is needed. While the law in this areas is still unsettled, to verify the validity of the employee's request, an employer may be entitled to know what disabling condition (diagnosis) the employee has. Because of the confidential nature of an individual's HIV status or other medical condition, the Human Rights Commission strongly encourages employers seeking to verify an employee's right to reasonable accommodation to do so *without* compelling disclosure of the employee's underlying diagnosis. (An examination by an independent physician could verify the existence of a disability without disclosing the employee's diagnosis.) When such disclosure is required, employees with an HIV-related disability may be able to limit their disclosure to what disabling condition they have (e.g., fatigue) and keep confidential the fact that they are HIV positive or have an AIDS diagnosis.

Reasonable accommodation most often is thought of as requiring physical modification of a work site so that a disabled employee may gain access or mobility, for example as seen in the installation of a wheelchair ramp or elevator. For an employee with HIV/AIDS, reasonable accommodation may involve these types of physical changes. What is more common, however, are changes in work schedules and job responsibilities. Common accommodations for people with HIV/AIDS include: reduced work hours, time off for medical appointments, extra breaks during the day, reassignment of job responsibilities and transfer to a different job to reduce stress.

Many employers are surprised to learn that most accommodations cost less then $100, and about one-third cost nothing at all. By developing and implementing reasonable accommodation and other workplace policies, employers can effectively address the changing impact of HIV while remaining mindful of their business needs and concerns.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

LIFE-THREATENING ILLNESS
SAMPLE POLICIES

The Human Rights Commission receives many calls each year from HIV positive employees seeking information regarding their rights in the workplace. Having workplace policies on employees with life-threatening illnesses may help reassure these employees, or employees with other life-threatening illnesses, by outlining their rights and responsibilities at work. In addition, such policies help management and coworkers address questions they may have about working with employees with HIV and AIDS.

Some companies include HIV in a general policy on life-threatening illnesses. This type of policy may serve to demonstrate to management and coworkers that an employee with HIV infection should be treated with the same compassion and consideration as an employee with any other life-threatening illness.

The following is an example of a general life-threatening illness policy:

The company recognizes that employees with life-threatening illnesses - including but not limited to cancer, heart disease, and AIDS - may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards and medical evidence indicates that their conditions are not a threat to themselves or others, managers should be sensitive to their conditions and ensure that they are treated consistently with other employees. At the same time, the company seeks to provide a safe work environment for all employees and customers.

Consistent with this concern for employees with life-threatening illnesses, the company offers the following range of resources available through your Human Resources representative:

- *Management and employee education and information on life-threatening illnesses;*
- *Referral to agencies and organizations that offer supportive services to employees, their families and friends directly or indirectly affected by life-threatening illnesses;*
- *Benefits consultation to assist employees in effectively managing health, leave, and other benefits.*

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

In addition to these policies, you may wish to develop guidelines to assist management in their enforcement efforts and to further address some of the concerns that may arise for employees with life-threatening illness and their coworkers.

Sample guidelines include:

1. *Remember that an employee's health condition is personal, should be treated as confidential, and reasonable precautions should be taken to protect information regarding an employee's health condition.*

2. *Contact your Human Resources representative if you believe that you or other employees need information about a life-threatening illness, or if you need further guidance in managing a situation that involves an employee with a life-threatening illness.*

3. *Contact your Human Resources representative if you have any concerns about the possible contagious nature of an employee's illness.*

4. *Contact your Human Resources representative if you believe a statement should be obtained from the employee's attending physician that continued presence at work will pose no threat to the employee, coworkers, or customers.*

5. *If warranted, provide reasonable accommodation, consistent with the business needs of the organization, for employees with life-threatening illnesses.*

6. *Make a reasonable attempt to transfer employees with life-threatening illnesses who request transfer as part of a request for reasonable accommodation.*

7. *Be sensitive and responsive to coworkers' concerns and emphasize employee education available through your Human Resources representative.*

8. *Give no special consideration beyond normal transfer requests to employees who feel threatened by a coworker's life-threatening illness.*

9. *Be sensitive to the fact that continued employment for an employee with a life-threatening illness may sometimes be therapeutically important in the remission or recovery process or may help to prolong that employee's life.*

10. *Encourage employees to seek assistance from established community support groups for medical treatment and counseling services. Information on these can be requested through a Human Resources representative.*

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Some companies adopt policies that address HIV/AIDS separately. Unlike the policy above, some general policies on life-threatening illness fail to address some of the unique problems associated with HIV, such as confidentiality, coworkers' fear of contagion, and the susceptibility to discrimination which comes with the social stigmas associated with the HIV disease. An HIV/AIDS-specific policy addresses these unique concerns head on. This type of policy also can specify how protections extend to people *perceived* to have HIV/AIDS and those who *associate* with persons with HIV/AIDS.

The City and County of San Francisco has adopted an HIV/AIDS-specific policy for its employees. The following sample policy is based on the City's policy language:

> *It is the policy of the Company to prohibit discrimination in the compensation, terms, conditions and privileges of employment on the basis that any employee or applicant for employment with the Company has, is perceived as having or has a history of having the conditions known as Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus Infection (HIV infection) or any medical signs or symptoms related thereto.*

This policy is augmented by guidelines for implementation which include:

1. *The current and best medical evidence is that AIDS and HIV infection do not pose a threat of contagion or transmission from worker to coworkers through everyday contact common in the work environment;*

2. *AIDS and HIV infection are life-threatening illnesses, which may be regarded as disabilities under prevailing local, state, and federal law. Each individual responds differently to the illness in terms of ability to work. On this basis, as with all other disabilities, the Company is required to make reasonable accommodations to facilitate the ability of employees with AIDS or HIV infection to continue working as long as they desire and are able to perform the essential functions of the job with accommodation;*

3. *Like all other medical information and records, the conditions of AIDS or HIV infection in an employee or applicant are subject to privacy protection and all employees have a right to the confidentiality of medical information. Company personnel having access to an individual's medical records or those having knowledge of a medical condition have a duty to preserve the privacy and confidentiality of the information. To that end, it is imperative that such information not be shared without the express and prior written permission of the individual having the condition;*

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

4. *In that employees with AIDS or HIV infection do not pose a threat of contagion to coworkers through everyday work place contact, the refusal by coworker(s) to work with an individual having or perceived to have AIDS or HIV infection can be considered insubordination, subject to due process disciplinary action in consideration of the specific facts and circumstances of the refusal. Similarly, members of the public with AIDS or HIV infection pose no threat of contagion to Company employees providing common services and the refusal of any Company employee to provide service on this basis can be grounds for disciplinary action;*

5. *The Company must treat AIDS and HIV infection as it would any other life threatening illness and must therefore apply and comply with all rules which govern employee health, including but not limited to leaves of absence, disability transfers and medical examinations. Under no circumstances shall an employee or applicant be required as a condition of pre-employment or employment to undergo any tests to detect the presence of the HIV antibody, antigen or virus;*

6. *Employees who are affected by any life threatening illness should be treated with compassion and understanding. Company personnel should provide support and encouragement and foster, by example, an attitude of sensitivity to the needs of chronically ill colleagues, recognizing that continued employment and interaction in the work environment can be physically, mentally and emotionally beneficial. Similarly, such compassion should be shown to employees who have a family member or significant other who has AIDS or HIV infection;*

7. *Given the fears that AIDS and HIV infection often inspire, the most effective way to avoid disruption and discrimination in the work place is to prepare and educate all employees. In fostering a rational, compassionate and non-discriminatory understanding of AIDS and HIV infection in the work place, departments should implement educational programs. These programs should be based on the best available medical knowledge, resources for employee support and Company policies and rules which apply to the issues of AIDS and HIV infection in the work place.*

By developing and implementing life-threatening illness and other policies, employers can effectively address the changing impact of HIV in the workplace while remaining mindful of their specific business needs and concerns.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

NON-DISCRIMINATION
SAMPLE POLICIES

EMPLOYMENT NON-DISCRIMINATION

An employment non-discrimination policy is one which establishes that employees and applicants for employment who are members of a protected group will be treated fairly and equally with respect to all aspects of employment. The law specifies which groups must be protected, and some employers only prohibit discrimination against those groups. Others recognize that all individual characteristics which are not job related should be omitted from employment decision-making. The Human Rights Commission recommends implementing a non-discrimination policy which combines these two approaches by first listing specific protected categories and then extending non-discrimination protection to all non-job-related factors.

> *It is Company policy to provide equal opportunity in employment, development and advancement for all qualified persons without regard to age, ancestry, color, gender identity,[1] HIV status, marital status, medical condition, national origin, physical or mental disability, race, religion, sex, sexual orientation, veteran status, or any other non-job-related factor. This policy applies to every aspect of employment, including, but not limited to: hiring, advancement, transfer, demotion, lay-off, termination, compensation, benefits, training and working conditions.*

This type of policy also can be extended to volunteers, contractors, clients and others who have formal relations with a business or agency. By developing and implementing non-discrimination and other policies, employers can effectively address the changing impact of HIV in the workplace while remaining mindful of their specific business needs and concerns.

CLIENT NON-DISCRIMINATION

A client non-discrimination policy is one which establishes that clients will be treated fairly and equally with respect to receiving services from an agency or business. The law specifies that certain groups of people must be protected. Some service providers only prohibit discrimination against those groups and others recognize that all individual characteristics which are not related to receiving services should be omitted

---

[1] As of January 30, 1995, employers in San Francisco and City contractors are prohibited from discriminating against employees on the basis of gender identity (e.g., transgender issues). Therefore, the Commission recommends including "gender identity" in the list of characteristics upon which discrimination is prohibited.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

from decision-making. The Human Rights Commission recommends implementing a non-discrimination policy which combines these two approaches by first listing specific protected categories and then extending non-discrimination protection to all characteristics and factors that are not service-related.

> *It is Agency policy to provide service to all qualified persons without regard to age, ancestry, color, gender identity, HIV status, marital status, medical condition, national origin, physical or mental disability, race, religion, sex, sexual orientation, veteran status, or any other non-service-related factor. This policy applies to every aspect of service, including access to service, and the terms, conditions and benefits of service.*

By developing and implementing a client non-discrimination policy and other workplace policies, service providers and businesses can effectively address the changing impact of HIV in the workplace while remaining mindful of their specific organizational needs and concerns.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

BEREAVEMENT LEAVE
SAMPLE POLICY

A bereavement leave policy is an important piece of an employer's attempt to comprehensively address the impact of HIV in the workplace. For employees affected by HIV, knowing how their employer will treat a request for bereavement leave due to the death of a loved one can be a valuable reassurance during a difficult time.

Bereavement leave can be granted with or without pay. Some employers treat bereavement leave as a type of sick leave, paying employees taking leave with accrued sick pay. Some employers pay employees for bereavement leave by applying other forms of accrued leave, such as personal leave or vacation pay. Bereavement leave also may be classified as a separate and unique type of leave for which pay will be given.

Regardless of how bereavement leave is categorized, some employers limit the number of days an employee may be absent from work on bereavement leave. Other employers use a policy that pays bereavement leave for a specified period of days but allows additional days of leave to be taken unpaid, or with pay through the use of accrued vacation or compensatory time. In addition, some employers limit the category of people whose death will entitle the employee to take leave. A sample of such a policy follows:

> *In the event of a death in an employee's immediate family, an employee may be granted up to five days of pay for bereavement leave to handle matters related to death and grieving. If additional time is needed, the employee may use accrued vacation or compensatory time and may request an unpaid leave of absence.*
>
> *"Immediate family" includes the employee's life partner, spouse, parents (including step parents, foster parents, parents-in-laws and life partner's parents), grandparents, siblings, children, children of a life partner, step child, adopted child, a child for whom the employee has parenting responsibilities, and a relative or friend who resides with the employee.*

In some situations, an employee will request bereavement leave because of the death of someone not covered by the categories listed above. In these situations, some employers use their own discretion to decide whether to allow leave to be taken. An example of discretionary language is:

> *Bereavement Leave may also be granted because of the death of any other individual. A request for bereavement leave due to the death of any other individual should be submitted to the Human Resources Manager and will require the approval of the Director.*

By developing and implementing bereavement leave and other policies, employers can effectively address the changing impact of HIV in the workplace while remaining mindful of their specific business needs and concerns.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

CONFIDENTIALITY
SAMPLE POLICIES

EMPLOYEES

Whenever HIV or any other medical condition is at issue in the workplace, it is important that the confidential nature of this information is understood and that policies and procedures are put in place to maintain that confidentiality. California law requires that employers establish procedures to ensure the confidentiality of employee medical records and that such records not be disclosed without the employee's specific written authorization.[2] In addition, employees may pursue civil damages where an employer or manager discloses confidential medical information, including HIV status. Under no circumstances should an employer or manager require that an employee with AIDS or who is HIV positive disclose this to others.

The following is a sample policy addressing confidential employee information:

> *Employees are not required to inform the Organization of the results of any HIV tests, whether they have taken an HIV test, or whether they been diagnosed with AIDS or with any other medical condition. The Organization respects the right to privacy of all employees and complies with applicable laws concerning confidentiality of medical information.*

CLIENTS

A confidentiality policy should cover clients as well. All employees and volunteers (including members of an organization's Board of Directors) should be required to follow this policy. The Commission recommends that employees and volunteers be required to acknowledge, in writing, that they have received and read such a policy, and that they agree to follow it.

The following policy language addresses client confidentiality:

> *The nature of our mission and work exposes employees and volunteers to highly sensitive and confidential information. In all of the dealings of the professional work of the Organization, employees and volunteers must be acutely aware at all times of their responsibility not to divulge any information that could be a breach of professional conduct. Special attention must be given*

---

[2]Cal. Civ. Code §56.05 et seq. An exception is granted for the administration of certain employee benefit plans.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

to proprietary information, confidential data about clients, and personal and confidential information about employees, contract staff, members of the Board of Directors and other volunteers.

All employees, contract staff, volunteers and Board members must sign an Oath of Confidentiality before commencing activities in the program. This statement requires the signer to keep confidential the identity and all information about program participants (clients). It also prohibits unauthorized copying or removal of any client records or agency information.

Violation of this policy may result in termination of employment or volunteer participation, and may result in civil court action.

The following are general guidelines to protect the privacy of the people with HIV that the Organization serves:

- *Do not discuss any information about clients or agency internal affairs with anyone outside of the Organization except when required as part of your job duties.*
- *If disclosure is necessary, clients should be informed prior to disclosure.*
- *Do not leave any information, memos, letters or reports that identify a client, in open, public or uncontrolled areas.*
- *Do not copy any client data or agency reports except when required as part of your job duties, and never remove client files or identifying data from the premises.*
- *Be careful to protect the identity of clients receiving services when talking with outside persons, answering the phone, corresponding by mail, facsimile or electronic medium.*

By developing and implementing confidentiality and other policies, employers can effectively address the changing impact of HIV in the workplace while remaining mindful of their specific business needs and concerns.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

Centers for Disease Control **(800)458-5231**
National AIDS Clearinghouse **(800)243-7012 TDD**
P.O. Box 6003
Rockville, MD 20849-6003
Open 9:00 a.m. - 7:00 p.m. EST

Provides referral, reference and distribution for HIV/AIDS-related information, including access to databases and electronic bulletin boards.

Department of Fair Employment and Housing
Communications Center **(800)884-1684**

Provides advice, technical assistance and literature to employers and employees on the Fair Employment and Housing Act and reasonable accommodation.

BENEFITS MANAGEMENT

AIDS Legal Referral Panel (see Legal Services) **(415)291-5454**
Insurance and Employee Benefits Clinic

Provides individual legal advice on public and private insurance, employee benefits and personnel policy interpretation. Thursday evenings. Free. Appointment required.

AIDS Benefits Counselors **(415)558-9845**
470 Castro Street, Suite 202
San Francisco, CA 94114

Provides advice and assistance on private and public insurance, and employee benefits to persons with HIV. Free. Call for appointment.

San Francisco AIDS Foundation **(415)487-8000**
Financial Benefits Program
25 Van Ness Avenue, Suite 660
San Francisco, CA 94102

Provides pre- and post-disability benefits counseling and advocacy. New clients must schedule an intake appointment and must provide documentation of San Francisco residency and symptomatic or disabling HIV or AIDS.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

REFERRAL GUIDE

LEGAL SERVICES

AIDS Legal Referral Panel **(415)291-5454**
114 Sansome Street, Suite 1129
San Francisco, CA 94104

Provides referrals for people with HIV, or with problems related to HIV, to a panel of volunteer attorneys. Free referral, some services and one hour of consultation free.

San Francisco Human Rights Commission **(415)252-2500**
25 Van Ness Avenue, Suite 800 **(415)252-2550 TDD**
San Francisco, CA 94102-6033

Investigates and mediates complaints of discrimination based on HIV status in employment, public accommodations and housing. Free. Call for appointment.

California Department of Fair Employment and Housing (800)884-1684
30 Van Ness Avenue, Suite 3000
San Francisco, CA 94102

Investigates complaints of discrimination based on HIV in employment, public accommodations and housing.

Equal Employment Opportunity Commission (EEOC) **(800)669-4000**

Federal agency that investigates complaints of employment discrimination based on HIV.

Bar Association of San Francisco **(415)764-1616**
Volunteer Legal Services Program (VLSP)

Provides consultation to non-profit organizations on topics including personnel policies and incorporation process. Free.

INFORMATION AND TECHNICAL ASSISTANCE

Job Accommodation Network **(800)526-7234**

Provides free consultation to employers on designing individualized job accommodations.

Pacific Disability and Business Technical Assistance Center
440 Grand Avenue, Suite 500 **(800)949-4232**
Oakland, CA 94610 **Voice/TDD**

Provides information, problem solving assistance and referrals to individuals and entities on implementing the Americans with Disabilities Act.

The information contained in this document is not intended as legal advice and the reader should not rely on it as such.

HIV TAP

(HIV in the Workplace Technical Assistance Project)
SF Human Rights Commission

I. Introduction & Overview
II. SF Human Rights Commission
& the Lesbian Gay Bisexual Transgender & HIV Division
III. Overview of Civil Rights Law
A. HIV/AIDS Discrimination
1. Who is protected?
B. Employment
C. Public Accommodations
D. Housing
E. Government
IV. Reasonable Accommodation
A. Definition
B. Who is entitled to Reasonable Accommodation?
C. Undue Hardship
D. How are PWAs accommodated?
ROLE PLAY
V. Family and Medical Leave Act
California Family Rights Act
VI. Medical Inquiries and Examinations
ROLE PLAY
VII. Confidentiality of Medical Information
VIII. Remedies
IX. Q & A

Overview of Civil Rights Law

- Federal
  - Americans with Disabilities Act
  - Abbott v. Bragdon
- State
  - Fair Employment & Housing Act
- Local/City
  - SF Police Code Article 38

Who is protected?

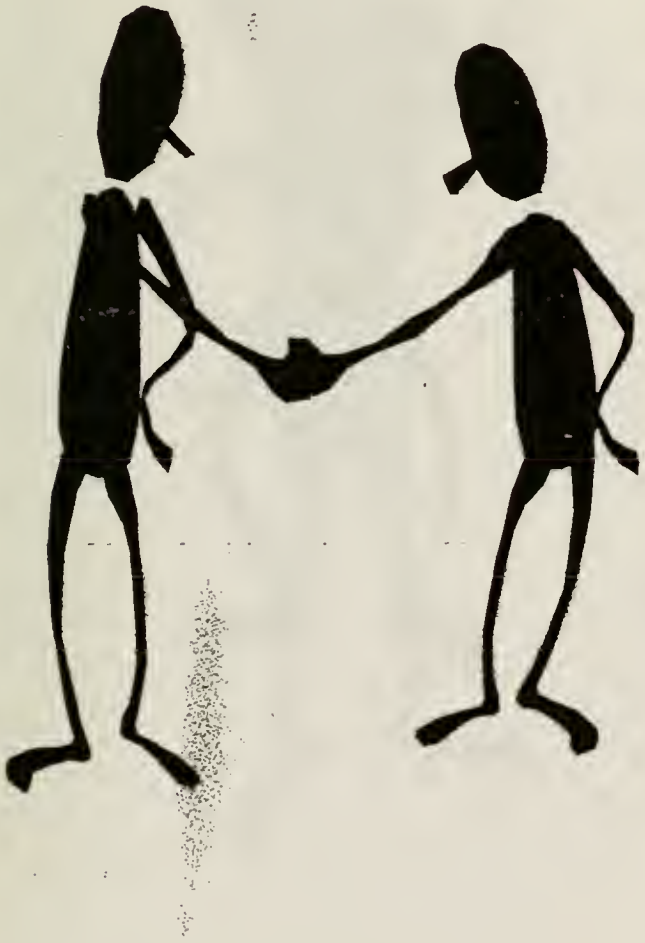
- People with HIV/AIDS
- People who are perceived to have HIV
- People who associate with people with HIV

Areas Covered

- **Employment**
  - covers employees and applicants
- **Public Accommodations**
  - covers customers and clients
- **Housing**
  - covers owners, tenants, buyers, sellers
- **Government Services/Facilities**

Reasonable Accommodation

Under certain circumstances, employers, service providers and businesses must modify or adjust some aspect of a job, work environment or business so that a person with disability can . . .



- Be hired
- Continue to work
- Have access to the same facilities and privileges as others
- Have access to goods and services offered by a business

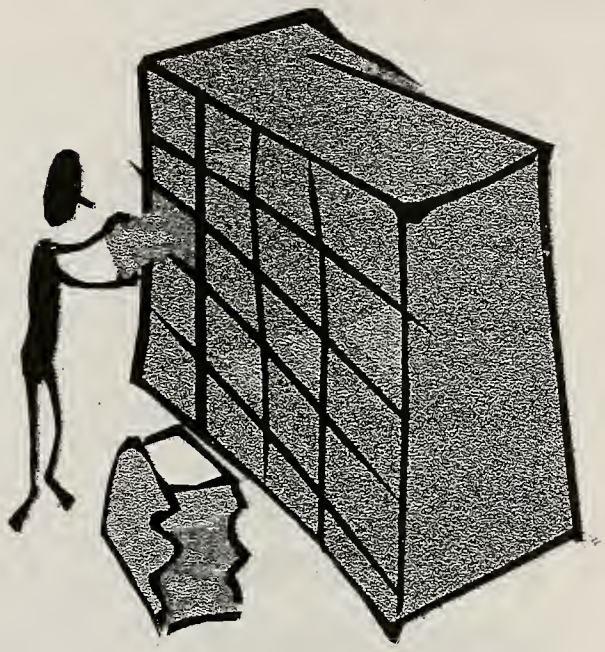
Who is required to accommodate employees?

- **Federal Law**
  - 15 or more employees
- **State Law**
  - 5 or more employees (15 for mental disability)
- **Local Law**
  - all employers

Who is entitled to Reasonable Accommodation?

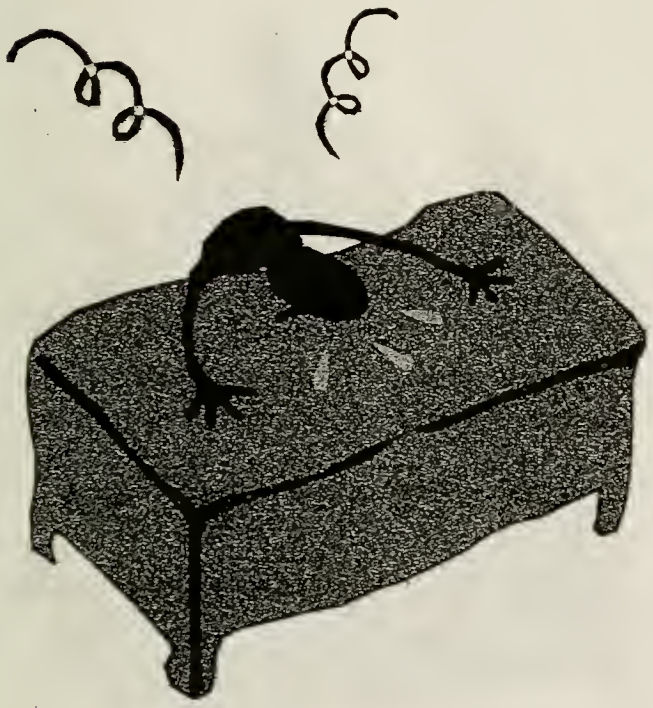
- Persons with Disabilities
  - person must have a physical or mental impairment that substantially limits some major life activity
- Qualified to do the essential functions of the job

Essential Job Functions



- Fundamental job duties (not marginal or tangential)
- Position exists to perform the function
- Employee/ applicant must satisfy job requirements

When is accommodation too burdensome?

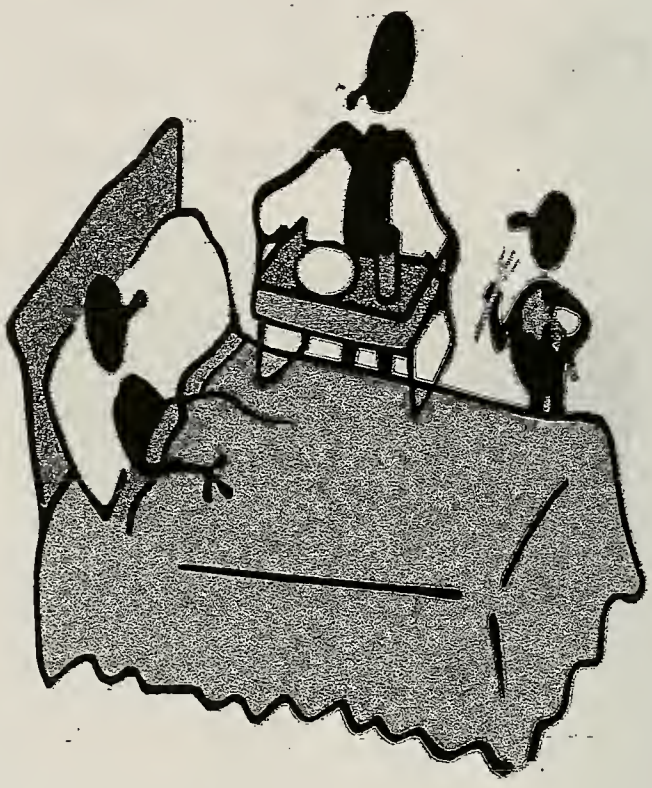


- Undue Hardship
  - company size/type
  - cost
  - disruption in business
  - altering nature of business
- Direct Threat to Health and Safety

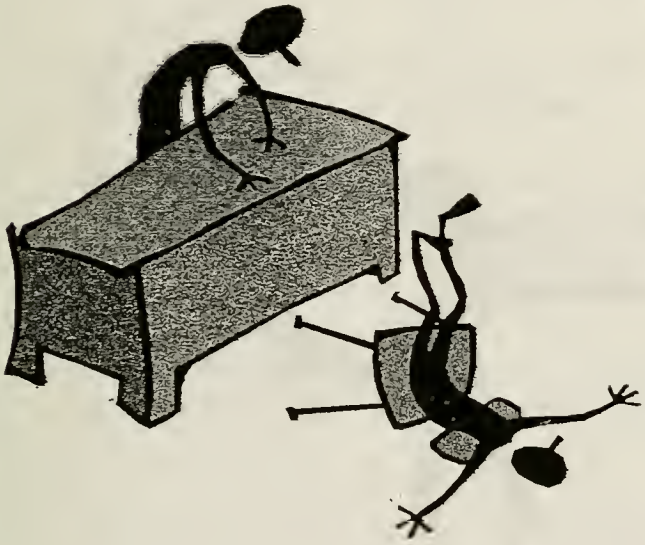
Family Medical Leave

Family Medical Leave Act of 1993
California Family Rights Act of 1991

- What is it?
- Who is covered?
- When does it apply?
- What do you get?
- What do you have to disclose?



Medical Inquiries and Examinations



- Employment Applicants
- Pre-offer
  - Post-Offer
- Current Employees

Confidentiality of Medical Records

- Medical Records
- Disclosure of Medical Information

[**DRAFT RESOLUTION** supporting the Board of Supervisors Resolution No. 012006; presented to HRC Commissioners January 24, 2002]

RESOLUTION SUPPORTING THE BOARD OF SUPERVISORS RESOLUTION NO. 012006

Whereas, the Board of Supervisors passed the resolution No. 012006, declaring San Francisco to be "Sanctuary for Medical Cannabis" on Monday, December 3, 2001; and

Whereas, on September 5, 2001, the Issues Committee of the Human Rights Commission heard testimony from members of the medical marijuana community about allegations of confiscation of Department of Public Health medical marijuana identification cards and marijuana medication by the San Francisco Police Department over the last several years; now

Therefore, Be It Resolved, the Human Rights Commission fully supports the Board of Supervisors Resolution No. 012006; and

Further Be It Resolved, the Human Rights Commission urges the District Attorney, the San Francisco Police Department, the San Francisco Sheriff's Department, and the Department of Public Health to fully support the Board of Supervisors Resolution No. 012006.

Ghada Saliba-Malouf
Chair of the San Francisco Human Rights Commission

[**DRAFT RESOLUTION** honoring the life of Pepito "Pete" Ordonez Lapid; presented to HRC Commissioners January 24, 2002]

RESOLUTION HONORING THE LIFE OF EPITO "PETE" ORDONEZ LAPID

Whereas, Pepito 'Pete' Ordonez Lapid was born in Santa Rita, Pampanga in the Phillipines where he was educated and graduated with a Bachelor of Science degree in Electrical Engineering from the Mapau Institute of Technology in Manila and where he was also given the honor to receive the "Most Outstanding Engineering Alumni 2001 award; and

Whereas, Pete O. Lapid had been a prominent electrical engineer and president of Pete O. Lapid and Associates since 1983 and for the majority of this time his firm was certified by the Human Rights Commission as a Local Minority-Owned Business Enterprise that was involved in various types of projects including San Francisco International Airport Expansion, San Francisco New Main Library, Moscone Center Expansion, San Francisco 911 Emergency Communication Center, Asian Art Museum and multi-housing complexes; and

Whereas, Pete Lapid's dedication to his profession and to the Filipino-American community led to the formation of Filipino Architects, Contractors and Engineers (FACE) which was instrumental in establishing opportunities in the public sector for many Filipino and immigrant architectural and engineering groups; and

Whereas, Pete was a charter member, past president and treasurer of the Vallejo Filipino-American Lions Club, Lions Club International and was voted Club of the Year 2001; and

Whereas, Pete O. Lapid was a member of Filipino American Society of Architects and Engineers, Asian American Architects and Engineers, San Francisco Human Rights Commission Minority and Women Business Enterprise Advisory Committee, San Francisco-Manila Sister City Committee, Filipino Medical Societ of Northern California and established a non-profit corporation entitled, Save a Tahanan; and

Now, Therefore Be It Resolved, that the City and County of San Francisco Human Rights Commission expresses its appreciation of Pete O. Lapid's commitment to excellence and his dedication as a leader in the Filipino American community and volunteer whose spirit of public service has benefited the City of San Francisco; and

Be It Further Resolved, in remembrance of Pete O. Lapid and in accordance with the expressions of the ministry which presided at his Vigil Service "Brother Pete" shall be regarded for his contributions to humanity.

Ghada Saliba-Malouf
Chair of the San Francisco Human Rights Commission

DOCUMENTS DEPT.

APR 19 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, January 24, 2002

Approved 02-14-02

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, Chair
Larry Lee, Vice Chair
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson

Virginia M. Harmon, Director

Toni A. Delgado, Commission Secretary

ORDER OF BUSINESS

CALL TO ORDER
Commission Chair Saliba-Malouf called the meeting to order at 4:41 p.m.

ROLL CALL
Commissioners Present
Ghada Saliba-Malouf, Chair
Larry Lee, Vice Chair
Shirley Dimapilis (arr. 4:46pm)
Martha Knutzen
Leslie Littleton Wilkinson
Theresa Sparks

Commissioners Excused
Haig Baghdassarian
Wilfred W. Hsu
Antonio Salazar-Hobson
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Lome Aseron, Larry Brinkin, Emil DeGuzman, James Fields, Young Lee, Veronica Ng, Ellise Nicholson, Diana Rathbone, Hadas Rivera - Weiss, and Nichole Truax

Guests Present
Catherine Barnes, Deputy City Attorney, Jonnie Robinson, Mayor's Office, Ileana Angelo (HRC Intern), Mehnaz Saiyed (HRC Intern) and Panetta Scott

A quorum was not present. Because a quorum was not present, the agenda was taken out of order.

Chair Saliba-Malouf noted that Commissioner Littleton-Wilkinson was present with her newborn baby boy, born December 7, 2001 and offered her congratulations.

CIRCULATE GENERAL COMMUNICATIONS FILE
A general communications file was circulated.

REPORT OF THE DIRECTOR
Presentation of HRC Resolution to Panetta C. Scott
James Fields (HRC Staff) stated that Panetta Scott worked for the HRC for fourteen years and is now working with MUNI as a Senior Contract Compliance Officer. Mr. Fields then presented Ms. Scott with a resolution honoring her work and contribution to the HRC and the City.

Director Harmon and Chair Saliba-Malouf also thanked Ms. Scott for her hard work and looked forward to working with her in her position at MUNI. Ms. Scott gracefully accepted her resolution.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Aumijo S. Gomes, Director, San Francisco Youth Works
Aumijo S. Gomes Director of San Francisco Youth Works presented a certificate to Director Harmon for HRC 's support of Youth Works youth employment program over the past five years. Youth Works places high school youth in internships within City government departments and many youth interns have been placed in the HRC department. Mr. Gomes then presented Director Harmon with a Certificate of Appreciation. Director Harmon stated that Youth Works is a wonderful program. The youth interns remind us why our work is so important.

REPORT OF THE CHAIR
Chair Saliba-Malouf opened her report with the announcement that Virginia Harmon was now the official Director of the Human Rights Commission. Chair Saliba-Malouf stated that Director Harmon has done a superb job as Interim Director, carrying out the mission of the Commission and creating stronger ties with the community.

APPROVAL OF MINUTES
The minutes of HRC Commission meeting of December 13, 2001, were moved (Dimapilis), seconded (Lee), and approved (unanimously).

REPORT OF THE CHAIR
Individual Commissioner Reports on Community Activities
Commissioner Dimapilis stated that she has been attending many meetings involving the security workers at the airport.

Update on and action to authorize HRC Staff to create a report from information obtained at January 10 Hearing Regarding Discrimination and Hate Crimes Against Members of Arab American, Muslim, South Asian and Other Minority Communities
Chair Saliba-Malouf thanked HRC Staff members and all members of the community who contributed to the hearing. Nichole Truax (HRC Staff) stated that the hearing was a success and added that many people in the community were asking what the next step was. Ms. Truax asked the Commission for immediate action to approve the creation of a report, similar to the Violence In Our City report, containing community recommendations.

The motion to authorize HRC Staff to create a report from information obtained at January 10 hearing was moved (Saliba-Malouf), seconded (Littleton-Wilkinson), and approved (unanimously).

Ms. Truax noted that HRC interns Ileana Angelo, Mindy Lee, and Mehnaz Saiyed, were great help in coordinating and this event. Chair Saliba-Malouf thanked Ms. Truax for her hard work.

COMMITTEE REPORTS

Issues Committee
Possible adoption of resolution supporting the Board of Supervisors Resolution No. 012006 Commissioner Sparks stated that a couple of months ago, the Issues Committee heard testimony for the medical cannabis community. The Committee formed a task group to suggest actions that the Human Rights Commission could do. On December 3, the San Francisco Board of Supervisors passed a resolution declaring San Francisco a sanctuary

for medical cannabis. Commissioner Sparks then presented the Commission with a resolution that supports the Board of Supervisors resolution.

Commissioner Sparks stated that the Issues Committee also heard testimony from the public sector, including the District Attorney's Office and the Department of Public Health. Commissioner Sparks asked the Director to help draft letters regarding evidence and property seizure.

The motion to adopt the resolution supporting the Board of Supervisors Resolution No. 012006 was moved (Sparks), seconded (Knutzen), and approved (unanimously).

MBE/WBE/LBE Advisory Committee
Possible adoption of resolution honoring the life of Pepito 'Pete" Ordonez Lapid
James Fields (HRC Staff) presented the Commission with a resolution honoring the work and life of Pepito 'Pete" Ordonez Lapid, who recently passed away. Mr. Lapid greatly contributed to the HRC, as well as the M/W/LBE Advisory Committee.

The motion to adopt the resolution honoring the life of Pepito 'Pete" Ordonez Lapid was moved (Dimapilis), seconded (Lee), and approved (unanimously).

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Nan Su, Falun Gong Practitioner and George Lee, Director, Friends of the Falun Gong
Mr. Su thanked the HRC for its support and introduced George Lee, Director of Friends of the Falun Gong. Mr. Lee presented the Commission with a certificate of appreciation on behalf of Friends of the Falun Gong.

EXECUTIVE SESSION
Vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee
A vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee was moved (Knutzen), seconded (Lee), and approved (unanimously).

Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):
The Commission went into closed session 5:09 p.m.

RECONVENE IN OPEN SESSION
The Commission reconvened in open session at 5:29 p.m.

Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
There were no actions to report.

Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
A vote to not disclose any or all executive session discussions was moved (Knutzen), seconded (Lee), and approved (unanimously).

Chair Saliba-Malouf left the meeting at 5:32 p.m. A quorum was no longer present.

REPORT OF THE DIRECTOR
Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color
Director Harmon introduced Lome Aseron (HRC Staff), who distributed the finalized Violence In Our City report to the Commission. He stated that the report has also been sent to all of the departments that the HRC will be working with and that the report is also accessible on the HRC website. Mr. Aseron stated that a press release was released earlier in the week and he would update the Commission on any developments.

Chapter 12.D.A. Waiver Report for December
Director Harmon introduced James Fields (HRC Staff), who distributed December's 12.D.A. Waiver Report. Mr. Fields offered to answer any questions that the Commissioner's may have. There were none.

HRC DIVISION REPORTS
Lesbian, Gay, Bisexual, Transgendered, HIV Division:

Report on the Commission's HIV in the Workplace Training
Yong Lee and Hadas Rivera-Weiss (HRC Staff), presented the Commission with an overview of the HIV TAP (Technical Assistance Program) training that the HRC offers. Ms. Rivera-Weiss stated that people with HIV continue to face discrimination and properly informed employees and employers make a more effective workplace. Mr. Lee stated that the HIV TAP training program has been offered for over 10 years to employers and organizations such as Positive Resource and Harvey Milk Institute. Mr. Lee stated that the training begins with an overview of the Civil Rights laws protecting people with HIV. The training then covers exactly what discrimination is, who is protected, and how. Ms. Rivera-Weiss stated that the training also explained the importance of reasonable accommodation. She added that role-playing is included in the training and that training members have found it very helpful. Mr. Lee stated that the training ends with an overview of medical coverage, rights, and HIV status confidentiality.

COMMITTEE REPORTS
Lesbian Gay Bisexual Transgender Advisory Committee
Report of January 15, 2002 Committee Meeting
Commissioner Knutzen stated that the LGBTAC focused on recruitment and Commissioner Sparks stated that transgender issues were one on the main topics of last year's LGBTAC retreat and that the LGBTAC has created a transgender panel which covered legal, anti-violence and medical issues. Additionally, the Committee discussed issues such as transsexual marriages. Commissioner Sparks stated that Fair Employment and housing discrimination are developing guidelines based on San Francisco's Ordinances, to protect transgender people against employment and housing discrimination. Commissioner Knutzen stated that she is working diligently on the LGBTAC's Economic Empowerment program, along with Commissioner Sparks and Larry Brinkin on creating a community development plan.

Employment Committee
No report.

Commissioner Dimapilis stated that she met with representatives from the union Local 790 regarding Airport security staff and hopes that the HRC can help in some way.

Director Harmon stated that the Employment Committee staff had visited this issue at their last meeting and is scheduled to present something at the next Commission meeting.

Issues Committee
Report of the January 22, 2002 Committee Meeting
Emil DeGuzman (HRC Staff), stated that Ed Ilumin presented a summary of the Retail Discrimination forum held on January 15th. Mr. DeGuzman stated that the Committee discussed the January 10th Hearing (Anti-Hate / Violence Hearing Against Arab Americans) and all members agreed to hold off on moving forward on this issue until the full Commission and the Board of Supervisors create a Task Force regarding this issue.

MBE/WBE/LBE Advisory Committee
Report of January 17, 2002 Committee Meeting
James Fields (HRC Staff), stated that the committee met on January 17th and that action items will be presented at the next Commission meeting.

Commissioner Littleton-Wilkinson stated that she worked closely with Pete Lapid and is very sorry to hear that he is no longer with us and expressed her deepest regrets to his family. Mr. Fields stated that Mr. Lapid was very supportive of the HRC and his dedication and support would not be forgotten.

Youth and Education Committee
No report.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
There was no discussion.

ADJOURNMENT
The meeting was adjourned at 6:16 p.m. in honor and memory of Pete Lapid.

NEXT MEETING

DATE: February 14, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

Return to
Meetings Information

SFGov home | living | working | government | visiting | online services

© 2000-02 City & County of San Francisco. All rights reserved.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

FEB 12 2002

SAN FRANCISCO
PUBLIC LIBRARY

02-12-02P02:02 RCVD

Regular Meeting Agenda

Thursday, February 14, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Interim Director*

Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   a. Approval of minutes of Commission Meeting of January 24, 2002
   [➲Action Item *Attachment Provided*]

4. CIRCULATE GENERAL COMMUNICATIONS FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
   [◎Discussion Item]

7. REPORT OF THE DIRECTOR

   a. Report and possible approval of HRC budget for fiscal year 2002/03 (J.O. Smith)
   [➲Action Item *Attachment Provided*]
   b. Chapter 12.D.A. Waiver Report for January (Fields)
   [◎Discussion Item *Attachment Provided*]

8. DISCUSSION AND POSSIBLE ACTION TO ADOPT, REJECT, OR ADOPT WITH MODIFICATIONS THE HEARING OFFICER'S RECOMMENDED DECISION IN THE MATTER BETWEEN LIBERTY BUILDERS, INC., APPELLANT AND HUMAN RIGHTS COMMISSION AND HENSEL PHELPS CONST. CO., RESPONDENTS.
   [➲Action Item *Explanatory Document: Hearing officer's recommended decision, findings of fact and conclusions of law. This 18-page document is available for public inspection and copying at the HRC Main Office at 25 Van Ness, #800, SF, CA 94102, during normal office hours.*]

9. HRC DIVISION REPORTS

a. Employment, Housing and Public Accommodations Division:
   i. Report on January 25 Retail Discrimination Hearing (Ilumin)
   [◎Discussion Item]

10. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Chair
Commissioner Theresa Sparks, Vice Chair
Committee Staff: Larry Brinkin, Ellise Nicholson

   i. No Report.

   NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, February 19, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b. Employment Committee
Commissioner Larry Lee, Chair
Commissioner Wilfred Hsu, Vice Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

   i. No Report.

   NOTE: *The next meeting of the Employment Committee will be held on Thursday, March 7, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee
Commissioner Theresa Sparks, Chair
Commissioner Haig Baghdassarian, Vice Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

   i. Report of February 13, 2002 Meeting.
   [◎Discussion Item]

   NOTE: *The next meeting of the Issues Committee will be held on Wednesday, March 13, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. No Report.

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, February 20, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Charles L. Ward, Vice Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. Report of February 6, 2002 Meeting.
[◎Discussion Item]

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, March 6, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NEXT MEETING: THURSDAY, FEBRUARY 28, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Director

MEMORANDUM

ITEM 7.a.

To: Chair Ghada Saliba-Malouf
Members of the Human Rights Commission

From: Virginia Harmon, Director

Date: February 5, 2002

RE: HRC Budget for Fiscal Year 2002-2003

Joyce Smith, Operations Coordinator for the Human Rights Commission, will brief you on our draft budget at the next Commission meeting, February 14, 2002.

By way of background, the City faces a $175 million budget shortfall this year. All City departments have been asked to absorb labor cost increases and to come up with a plan to cut 10% from their general fund allocation.

What this means for the HRC is that we have been asked to plan to cut approximately $250,000 from our present budget in the next fiscal year. This represents an approximate 5% cut to the HRC budget.

The following is a Summary of the Budget Calendar issued by the Mayor's Budget Office.

Summary Budget Calendar

Budget Instructions issued	December 1
Initial Meeting with all departments	January
Capital budget requests due	January 18
Department budget requests due to the Controller	February 20
Budget requests transmitted to Mayor	March 1
Mayor's Office review of department requests	March
Preliminary budget sent to the Board	April 1
Assess need for and prioritize additional reductions	April
Refined state and local revenue estimates	May 1
Final balancing	May
Budget submitted to the Board	June 1

HRC had its initial meeting with the Mayor's Budget Office on January 30, 2002 to discuss our preliminary plan to address the Mayor's instructions to absorb the labor cost increases and the 10% general fund allocation reduction.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

The plan we proposed was to address these cuts primarily through attrition savings. We are not anticipating any layoffs at this time.

According to the above schedule, the Commission must hear public comment and approve the draft budget on February 14, 2002 in order to meet the deadline to submit the budget to the Controller's Office by February 20, 2002. The budget calendar has been reduced this year in order to accommodate the Board of Supervisors' request to receive the budget earlier in the budget process.

Attached please find a draft budget proposal for your review and approval at the next Commission meeting. Joyce Smith will be available to address any concerns you may have.

HUMAN RIGHTS COMMISSION

FY 2002-03 BUDGET

JOB CLASS	CLASS TITLE	2002-03 TOTAL REQUEST		GENERAL FUND		WORK ORDER		GRANT	
		COUNT	DOLLARS	COUNT	DOLLARS	COUNT	DOLLARS	COUNT	DOLLARS
0112	Board/Commission	0	12,000	0	12,000				
1404	Clerk	1	41,871			1	41,871		
1424	Clerk Typist	1	43,519	1	43,519				
1426	Clerk Typist	1	43,519			1	43,519		
1426	Sr. Clerk Typist	2	95,358	2	95,358				
1452	Exec Secretary II	2	122,288	2	122,288				
1452	Exec Secretary II	1	61,144			1	61,144		
1634	Prin Acct Clerk	1	58,673	1	58,673				
1840	Jr. Manager Asst	1	54,784	1	54,784				
1844	Sr. Manager Asst	1	71,316			1	71,316		
2978	Contr Compl Ofc II	2	187,763	2	187,763				
2978	Contr Compl Ofc II	4	375,527			4	375,527		
2986	Director	1	117,359	1	117,359				
2991	Coordinator	2	170,833	2	170,833				
2992	Contr Compl Ofc I	2	148,662	2	148,662				
2992	Contr Compl Ofc I	18	1,337,961			18	1,337,961		
2992	Contr Compl Ofc I	2	148,662					2	148,662
2996	Representative	3.75	263,584	3.75	263,584				
2996	Representative	3	210,868			3	210,868		
2996	Representative	1	70,289					1	70,289
SALARY SUBTOTAL		**49.75**	**3,635,980**	**17.75**	**1,274,823**	**29**	**2,142,206**	**3**	**218,951**
ADJUSTMENTS			**-440,270**		**-138,860**		**-301,410**		
SALARY SUB W/ADJS.			**3,195,710**		**1,135,963**		**1,840,796**		**218,951**
SALARY TOTAL		**49.75**	**3,204,075**	**17.75**	**1,139,528**	**29**	**1,845,596**	**3**	**218,951**

HUMAN RIGHTS COMMISSION

SUB OBJECT	OBJECT TITLE	2001-02 TOTAL APPROVED BUDGET	2002-03 TOTAL REQUEST	GEN FUND	WORK ORDER	SURETY BOND	GRANT
00100	PERM SAL - MISC	3,040,675	3,195,710	1,135,963	1,840,796		218,951
00901	PREMIUM PAY	8,365	8,365	3,565	4,800		
SALARY SUBTOTAL		**3,049,040**	**3,204,075**	**1,139,528**	**1,845,596**		**218,951**
01300	MANDATORY FRIN.	681,498	712,580	271,352	386,490		54,738
PERSONAL SERVICES SUBTOTAL		**3,730,538**	**3,916,655**	**1,410,880**	**2,232,086**		**273,689**
02200	TRAINING - BUDGET	4,955	4,955	1,136	3,819		
02301	AUTO MILEAGE	2,360	2360	860	1,500		
02302	LOCAL FIELD EXP.	6,210	3850	500	3,350		
02401	MEMBERSHIP FEES	678	678		678		
02700	PROF/SPEC SERV	164,092	142,440	142,440			
02700	PROF/SPEC SERV	375,000	490,000			490,000	
02911	DP/WP EQ MAINT	11,400	11,400	7,650	3,750		
02931	OFFICE EQ MAINT	8,000	8,000	6,000	2,000		
03011	PROPERTY RENTAL	155,041	155,041	155,041			
03131	OFC. MACH RENTAL	800	800		800		
03500	OTHER CURR EXP	53,740	12,908	6,708	6,200		
03551	COPY MACHINE	4,368	4,368	3,500	868		
03552	PRINTING	1,500	11,500	11,000	500		
03561	POSTAGE	3,000	3,000	3,000			
03571	SUBSCRIPTIONS	300	300	300			
04000	MAT & SUPP	9,640	9,640	4,640	5,000		
04921	DATA PROC SUPP	6,431	6,431	6,431			
CHAR. 081 SRVCS OTHER DEPTS							
081CZ	TIS-SPEC PROJECTS	8,466	3,559	3,559			
081C5	IS-TIS-ISD MAINT & OP AAO	153,101	171,815	152,137	19,678		
081ET	GF-TIS TELEPHONE AAO	27,144	27,144	19,646	7,498		
081H2	GF-HR-MGMT TRN AAO	610	610	610			
081M2	GF-MAYOR'S YTH WKS	2,000	2,000	2,000			
081PA	IS-PUR CN SH-AUTO MAIN	2,500	2,500	2,500			
081PF	IS-PUR CN SH-FUEL STK	230	230	230			
081PM	GF-PUR MAIL SERV AAO	6,676	6,676		6,676		
081PR	IS-PUR-REPRO AAO	14,814	14,814	8,299	6,515		
NON PERSONAL SERVICE SUBTOTAL		**1,023,056**	**1,097,019**	**538,187**	**68,832**	**490,000**	
FINAL BUDGET TOTAL		**4,753,594**	**5,013,674**	**1,949,067**	**2,300,918**	**490,000**	**273,689**

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

ITEM 7.b.

MEMORANDUM

To: Ghada Saliba-Malouf and Members of the Human Rights Commission
From: James Fields, Melinda Wesley
Date: February 13, 2002
Subject: January Waiver Log

Attached please find documentation supporting the waivers granted during the month of January. A brief synopsis of each waiver request and basis for its determination is included.

No. 1 SOLE SOURCE PUC requested a waiver for Harty Pipelines, Inc. for emergency services.

This waiver was granted because an existing sewer main suffered severe damage and required immediate repairs to prevent flooding and imminent endangerment of public health and safety.

No. 2 SOLE SOURCE PUC requested a waiver for JMB Construction, Inc. for emergency services.

This waiver was granted because an existing sewer main suffered severe damage and required immediate repairs to prevent flooding and imminent endangerment of public health and safety.

No. 3 SOLE SOURCE Law Library requested a waiver for Recall Total Information Management to provide secure archival storage for their rare books collection.

This waiver was granted because the collection needs to be moved immediately to a storage facility that can provide controlled environmental conditions and security the rare antique books require. There are approximately 10,000 volumes of legal work between 200 and 500 years old. They are presently stored at the Northern Regional Library Facility, owned by the University of California, in Richmond. They are now in need of that storage area.

No. 4 SOLE SOURCE Emergency Communications requested a waiver for Medical Priority Consultants to provide licenses for their software.

This waiver was granted because Medical Priority Consultants is the only provider of interactive Emergency Medical Dispatcher software that can fully integrate into Computer Aided Dispatch. The Emergency Communications, Fire and Police Departments have evaluated the products and determined that the will meet the demands of the City.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

No. 5 SOLE SOURCE Emergency Communications requested a waiver for Medical Priority Consultants to provide training.

This waiver was granted because Medical Priority Consultants is the only contractor to provide training for use of the EMD software.

No. 6 SOLE SOURCE Water Pollution Control has requested a waiver for Mixing and Mass Transfer Technologies, LLC (M2T), formally Lotepro Corporation, to perform a maintenance services contract.

This request was granted because Lotepro Corporation received a waiver to perform this service prior to transferring all of their rights and obligations in the area of wastewater and wastewater treatment to M2T, effective January 1, 2002. The transfer included all of the proprietary rights to the equipment that is used at the Oceanside plant. No changes were made in the scope of work or cost of the contract.

No. 7 SOLE SOURCE Police Department requested a waiver for Sheldon Zedeck, Inc. to provide a Q-2 Police Officer Job Analysis.

This waiver was granted because the proposed job analysis is an update of the first in-depth study of the Q-2 classification performed in 1996 by CORE Corporation. Sheldon Zedeck led that team in 1996. Dr. Zedeck is the most knowledgeable, and therefore most appropriate contractor to oversee this process.

No. 8 SOLE SOURCE Police Department requested a waiver for Sheldon Zedeck, Inc. to provide a Q-35 Assistant Inspector Job Analysis process.

This waiver was granted because the proposed job analysis is an update of the first in-depth study of the Q-35 classification performed in 1997 by CORE Corporation. Sheldon Zedeck led that team in 1997. Dr. Zedeck is the most knowledgeable, and therefore most appropriate contractor to oversee this process.

No. 9 SOLE SOURCE Muni requested a waiver for Clean Air Vehicle Technology Center to conduct chassis dynamometer emission tests.

This waiver was granted because CAVTC (located in Richmond, California) provides the only local, and therefore reasonable, test and certification site. The testing is required as part of Muni's Alternative Fuel Pilot Program. There are only six tests sites in the country that have heavy-duty chassis dynamometers capable of measuring exhaust emissions. The two other closest sites are located in Los Angeles and Arizona. The Los Angeles site is for the exclusive use of the California Air Resources Board.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

MAR - 5 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting

Thursday, February 14, 2002

Approved 02-28-02

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

ORDER OF BUSINESS

CALL TO ORDER
Commission Chair Saliba-Malouf called the meeting to order at 4:42 p.m.

ROLL CALL
Commissioners Present
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis (arr. 4:46pm)
Wilfred W. Hsu
Martha Knutzen
Theresa Sparks

Commissioners Excused
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Larry Brinkin, Ed Ilumin, Zula Jones, Veronica Ng, and Joyce O. Smith

Guests Present
Catherine Barnes, Deputy City Attorney; Jonnie Robinson, Mayor's Office; Mehnaz Saiyed (HRC Intern); R.J. Daniel; Paul Elizando, Attorney; Angela Alioto, Attorney; Jennie Lau, Attorney; and Deputy City Attorney Katie Hobin

A quorum was present.

APPROVAL OF MINUTES
The minutes of HRC Commission meeting of January 24, 2002, were moved (Dimapilis), seconded (Lee), and approved (unanimously).

CIRCULATE GENERAL COMMUNICATIONS FILE
There was no general communications file.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
R.J. Daniel
Mr. Daniel, a Black, Vietnam Veteran who has suffered through many severe health problems which prevent him from holding employment. Mr. Daniel stated that he has a clean police record, but because of his limited funds from the Veterans Disability, he is relegated to live at 135 Sixth Street, where parolees have been placed to live without any forewarning. On July 25th, four law enforcement officers were in the building and accused him of being on parole and being a criminal suspect. Mr. Daniel stated that the officers were in civilian clothes and did not identify themselves as officers of the law. Mr. Daniel stated that the officers then coerced and pressured him into an illegal search of his property. Mr. Daniel stated that he has already gone to EOC and the OCC regarding this

mistreatment, who found in his favor, and now he has come to the HRC to launch an investigation of this matter.

Chair Saliba-Malouf stated that the Issues Committee has been working in the area of racial profiling and invited Mr. Daniel to share his story with that Committee, but also asked Mr. Daniel what he would like to see the HRC do. Mr. Daniel stated that he wanted to see the HRC contact the Mayor to contact SFPD Chief Lau to contact the Police Commission. Mr. Daniel provided supporting documentation (see Appendix A).

Chair Saliba-Malouf asked the Director to research the paperwork that Mr. Daniel provided and see if it is within the HRC's jurisdiction to contact the Police Chief or hold some type of investgiation.

Paul Elizondo
Paul Elizando, Attorney, addressed the Commission on S.N. Sands d.b.a. S&S Trucking. Mr. Elizando stated that his client has been unfairly treated by the HRC. Mr. Elizando stated that his client was certified by the HRC through 2003 and then became de-certified as of February 2002 because Rule 6.B.1.(b). of the M/W/LBE Rules and Regulations was applied retroactively. Mr. Elizando stated that came directly to the Commission because his client suffers the risk of being unable to bid contracts because they are no longer certified. Mr. Elizando provided supporting documentation (see Appendix B).

Director Harmon stated that this issue is being worked on with the City Attorney's Office and added that the Commission will be updated on the status of this issue when possible. Chair Saliba-Malouf asked if the Commissioners could be provided with what the procedure is when regarding certifying and de-certifying firms.

Mr. Elizando asked if this item could be agendized and Chair Saliba-Malouf suggested that Mr. Elizando follow the Rules of Procedure.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities
Chair Saliba-Malouf stated that she met with Sam McDonald from the Fine Arts Museum, who is interested in partnering with the HRC and members of the Arab-American community on an upcoming exhibit entitled Eternal Egypt. The exhibit has already toured some parts of the country, and as it comes to San Francisco, the museum is looking for community participation and hopes that the HRC will host an event.

Commission Knutzen announced and congratulated Commissioner Sparks for her election as Co-Chair of the Alice B. Toklas Democratic Club. Commissioner Knutzen stated that this was the first time that a LGBT club elected a transgender person as its co-chair.

Vice-Chair Lee stated that the street fair in Chinatown celebrating Chinese New Year was very successful and it will continue to the 23rd.

REPORT OF THE DIRECTOR

Report and possible approval of HRC budget for fiscal year 2002/03

Director Harmon introduced Joyce O. Smith, (HRC Staff). Ms. Smith stated that the City is currently in a $175 million dollar shortfall, which may be further aggravated by possible state reductions. Departments have been instructed to absorb the labor cost increases and further, departments have been instructed to cut their budgets by 10% of the general fund budget, reflecting a $250,000 shortfall for the HRC for the next fiscal year.

The HRC's plan to meet these budget cuts is to leave current positions from the general fund unfilled, and not filling work order positions, such as those at the airport. Since September 11, the HRC has lost three positions through attrition, which will not be refilled. Ms. Smith stated that there is no room for increases in any of the budget areas. She added that the HRC's first priority is to save staff and the HRC is not anticipating any layoffs.

Commissioner Baghdassarian asked how the three positions which were lost by attrition will impact the department. Director Harmon stated that at this point it is difficult to tell.

The proposed budget was moved (Lee), seconded (Dimapilis), and approved (unanimously).

Chapter 12.D.A. Waiver Report for January (Fields)

Director Harmon presented the Commission with the 12.D.A. Waiver Report. Commissioner Baghdassarian asked what the basis was for item number three, a sole source waiver. City Attorney Catharine Barnes updated the Commission, stating that Recall Record Management is no longer able to provide the level of environmental control required for the contract, so the waiver request was withdrawn.

DISCUSSION AND POSSIBLE ACTION TO ADOPT, REJECT, OR ADOPT WITH MODIFICATIONS THE HEARING OFFICER'S RECOMMENDED DECISION IN THE MATTER BETWEEN LIBERTY BUILDERS, INC., APPELLANT AND HUMAN RIGHTS COMMISSION AND HENSEL PHELPS CONST. CO., RESPONDENTS.

City Attorney Catharine Barnes presented the Commission with this item. Ms. Barnes stated that the Commissioners have already received the Hearing Officer's recommended decision and that the Commissioners have had access to the complete record. Ms. Barnes provided a brief background, stating that the matter originated in 1998 as an HRC complaint. The complaint has been through the proper channels as outlined in the HRC Rules and Regulations. The appealed complaint was then heard by an impartial Hearing Officer, whose findings were issued shortly after Christmas. Ms. Barnes stated that the Commission must now issue the final decision. Under the Rules, all parties (the HRC Director, Liberty Builders, and Hensel Phelps) have had the opportunity to file exceptions to the Hearing Officer's recommended decision, but no exceptions were filed.

Ms. Barnes noted that Liberty Builders had asked for this item to be continued to the next agenda and that the Commission has the authority to do that. If the Commission wanted to

hear the matter at this time, the Commission must vote to adopt, reject, adopt the decision with modifications, or hold the matter over before making a final decision.
Ms. Barnes stated that if the Commission does anything other than adopt the decision, the Commission must also provide findings for why it is rejecting, adopting the decision with modifications, or holding the matter. Ms. Barnes noted that the Commissioners must base their decision on the administrative record only, not additional testimony or discussion.

Chair Saliba-Malouf asked the public if there was anyone wishing to address the Commission on behalf of Liberty Builders.

Ms. Angela Alioto, representing Liberty Builders, asked for a two-week continuance because she did not believe that the Commissioners had all of the files that they are allowed to have in front of them pursuant to 12.D. Ms. Alioto stated that the 14 days in which she had the opportunity to file exception from the date she received the Hearing Officer's Recommended Decisions has not yet passed because she received the Decision from a newspaper person. Ms. Alioto stated that she did not receive the Decision through the regular, legal methods of a proof of service, nor having received it in time. Ms. Alioto states that she sent over (to the HRC) the brief that she presented to the Hearing Officer, which she believes outlines her case. Ms. Alioto again asked the Commission for a two-week continuance and the opportunity to present them with all of the facts.

Ms. Alioto stated that if they are not allowed the two-week continuance, she wanted to state that the Findings of Fact, outlined in Mr. Bader's statements are literally a lynching of Kevin Williams, who has his own law suit in Federal Court, and who is not a party to this. Ms. Alioto stated that Mr. Williams has no lawyer and no due process. Ms. Alioto also stated that the hangman's noose, which was found at Liberty Builders during this time period, was not allowed to be brought in as part of the record. Ms. Alioto also noted that the record reflects that Mr. Williams did not have authority, but the MOU between the HRC and the Airport stated that Mr. Williams had the day to day authority that the Director holds. Ms. Alioto stated that Mr. Williams worked under the HRC's 1985 Rules. Ms. Alioto stated that the 1996 Rules did not apply because the contract was entered into in January of 1997 and the 1996 Rules had not yet been adopted, yet the Hearing Officer used those rules.

Ms. Alioto stated that she is a very good loser and a very good winner, but she doesn't agree with the Hearing Officer's recommendations and she felt that the Commission did not know the whole story. Ms. Alioto stated that Comer Marshall, Kevin Williams, Marivic Bamba and another woman from the Mayor's Office testified that the Mayor called them on November 23rd to stop the proceedings and reverse the findings. Ms. Alioto asked the Commissioners for a two-week continuance so they could further review all of the materials and then come to decision. Ms. Alioto added that the Hearing Officer's findings are a lambasting of Kevin Williams and that she represents Liberty Builders and their right to due process.

Chair Saliba-Malouf asked the public if there was anyone wishing to address the Commission on behalf of Hensel Phelps.

Ms. Jenny Lau, representing Hensel Phelps, stated that she has not received any objections from Liberty Builders in response to the Hearing Officer's findings, therefore Ms. Lau thought it was inappropriate for Liberty Builders to raise any objections at this time. Ms. Lau stated that there were appropriate procedures for filing an objection and they (Liberty Builders) opted not to, therefore, it would be inappropriate to even consider any objections that were raised today.

Deputy City Attorney Katie Hobin, representing the HRC, stated that the Rules are very clear about what steps are necessary if a party wishes to object to a Hearing Officer's recommendations, a specific time frame is set forth, and no objections were submitted during that time frame. Ms. Hobin stated that understanding this, it would be inappropriate to consider any objections at this time.

Chair Saliba-Malouf asked if the decision was served in a timely manner in accordance with the rules and regulations.

Ms. Hobin stated that the decision was served by the American Arbitration Association (AAA), so it was not a duty or responsibility of the City Attorney's office, however, Ms. Hobin noted that on the January 25, 2002 cover letter from AAA, Angela Alioto is listed as a party expected to receive this document via facsimile.

Chair Saliba-Malouf asked if the Commission if they were prepared to address this matter at this time. Commissioner Knutzen made the motion to adopt the recommendations, seconded (Dimapilis).

Commissioner Sparks stated that there was no objection or exception filed, and if the document was properly served, she had no reason not to approve or adopt the recommendations as presented. Conversely, Commissioner Sparks stated that this issues has been going on since 1996-1997, and she didn't see any harm in continuing the item, and recommended continuance to ensure that all testimony was heard.

For clarification, Ms. Barnes noted that this is not a law suit, which does not require a proof of service of documents. The agreed procedures were that the parties would be faxed the Hearing Officer's recommendations according to the address, fax, and phone numbers that each party provided at the beginning of the hearing. Ms. Barnes stated that there is every indication that the recommendation, as with every other item from the beginning, was faxed to all of the parties.

Ms. Alioto stated that Ms. Barnes was not around throughout this procedure and added that things were not properly faxed or properly received throughout the whole process.

Commissioner Baghdassarian stated that although no objections were raised, or exceptions filed, it seemed like in the last two or three weeks Ms. Alioto asked that the item be continued.

Chair Saliba-Malouf stated that the request came in the past couple of days and added that the request for continuation is a different issue than filing objections in accordance with the Rules. Chair Saliba-Malouf stated that the Commission's options are distinct: adopt findings as presented or request further hearing time and further testimony, the latter of which she is not inclined to do since a Hearing Officer has already spent five or six days of hearing testimony, witnesses and reviewing the full record. As a matter of professional courtesy, Chair Saliba-Malouf is open to a continuance, but she did not see what the added value would be since no new testimony would be heard or admitted.

Chair Saliba-Malouf stated that the adoption of the Professor Bader's recommendations in the matter of Liberty Builders has been moved and seconded.

The motion DID NOT CARRY by the following vote:

Ayes – 5:	Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf
Noes – 2:	Baghdassarian, Sparks
Absent – 3:	Littleton-Wilkinson, Salazar-Hobson, Ward

Commissioner Baghdassarian made a motion to continue the matter, stating that the findings are compelling, but if there is apiece of the puzzle that is missing, he would like to know about it.

Commissioner Knutzen wanted clarification and asked if this issue was continued, would the Commission be able to vote on this item again at the next meeting and Ms. Barnes stated yes.

For clarification, Ms. Barnes stated that even if this item was continued for next week, the Commissioners must still make their decision based on the record of the Hearing Officer's recommendation and the testimony that happened at the hearing. Ms. Barnes noted that the Commission could choose to reconsider the Hearing Officer's decision and/or authorize all parties to file delinquent exceptions—which were not filed in accordance with the Rules—or discuss the matter further, and if so, another motion to reconsider must be made by one of the dissenting Commissioners.

For clarification, Commissioner Knutzen stated that the full record has been provided to the Commission with ample time for review, exceptions were not filed within the appropriate amount of time, so there is nothing else to review, and although the Commission could vote to provide a two-week continuance, the Commission would be in the same place with the same amount of information as right now.

Considering that the date for filing exceptions has passed and no exceptions have been filed, Commissioner Sparks asked what else could be presented that would make a difference.

Ms. Barnes stated that unless the Commission decided to not adopt the Hearing Officer's findings and opt to hear and receive additional testimony, no additional testimony would be provided to the Commission during the two-week continuance.

Chair Saliba-Malouf asked if there was additional public comment on this item.

Ms. Alioto stated that she did not believe that the Commissioners had the complete record in front of them.

Ms. Barnes stated that the Rules did not require the Commissioners to read the boxes of documents associated with this hearing, but noted that the Commissioners have access to the full record.

Ms. Alioto asked what the harm was in allowing her to provide a statement and allowing a two-week continuance.

Chair Saliba-Malouf stated that she did not see any added value in re-opening this hearing to accept tardy briefs of exception and rebuttal briefs.

Ms. Alioto stated that she did not know about this Human Rights Commission meeting until two days ago, and that she was not sent notice of this meeting as the attorney for Liberty Builders, but rather, she found out about the meeting because receives the Human Rights Commission's monthly agenda as a member of the public.

Ms. Alioto stated that although Commissioner Knutzen stated that this isn't a due process issue, but Ms. Alioto thought it was.

Commissioner Knutzen stated that she never said "that this isn't a due process issue," and asked that the record reflect this correction.

Chair Saliba-Malouf agreed that she did not hear Commissioner Knutzen say that either.

Ms. Alioto stated that this is the Human Rights Commission and that the Commission should take the two-week continuance to review her exception.

Chair Saliba-Malouf reminded Ms. Alioto that she is not entitled to file any exceptions since the date by which exceptions were to be filed has passed, and that it is the Commission's prerogative to allow additional testimony, et cetera. Chair Saliba-Malouf then asked the dissenting Commissioners to identify the additional information they would need to come to a decision.

Commissioner Sparks stated that unless additional testimony was allowed, she did not see the reason to continue this item.

Chair Saliba-Malouf asked the dissenting Commissioners what part or parts of findings did they disagree with.

Commissioner Sparks stated that the findings were conclusive and that she did not disagree with them. She added that she is not a lawyer and she does not suggest that she would be able to make a determination beyond a law professor or Hearing Officer.

Ms. Alioto stated that she could provide a ten-page document in response to the Hearing Officer's findings.

Commissioner Sparks asked what Ms. Alioto would be providing if she has already missed the filing deadline.

Ms. Alioto stated that she did not miss the filing deadline, and that if this were a court of law, one would have to prove that her firm received the Hearing Officer's fax, which she did not believe was provable. Ms. Alioto added that the City and County missed their right to go to a hearing officer by eight months, and Liberty Builders suspended that as the appellant in this matter. Ms. Alioto stated that 12.D. has not been taken this far, so the Rules have not been followed.

Commissioner Baghdassarian asked if Ms. Alioto could file exceptions if she were so inclined, notwithstanding the fourteen-day filing period. Commissioner Baghdassarian asked if the HRC could accept and consider the exceptions at this point.

Ms. Barnes stated that the Commission cannot receive additional facts. What the Commission could receive are arguments, which should have been filed within the fourteen-day period to file exceptions. Had anyone filed exceptions, then other parties would have responded with briefings in response to those exceptions. All of those things would then have been provided to the Commissioners for review. Ms. Barnes stated that Liberty Builders has received the full process from beginning to end.

In response to Ms. Alioto statement that the "City and County missed their right to go to a hearing officer by eight months," Ms. Barnes stated that this matter went straight to AAA, who would not hear this matter until Liberty Builders obtained counsel, which took eight months.

Commissioner Sparks reconsidered her previous vote and made a motion to reconsider whether or not to adopt the findings of the Hearing Officer, seconded (Dimapilis).

The motion CARRIED by the following vote:

Ayes – 6:	Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks
Noes – 1:	Baghdassarian
Absent – 3:	Littleton-Wilkinson, Salazar-Hobson, Ward

Commissioner Knutzen made a motion to adopt the findings of the Hearing Officer, seconded (Lee).

The motion CARRIED by the following vote:

Ayes – 6:	Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks
Noes – 1:	Baghdassarian
Absent – 3:	Littleton-Wilkinson, Salazar-Hobson, Ward

HRC DIVISION REPORTS

Employment, Housing and Public Accommodations Division:

Report on January 25 Retail Discrimination Hearing (Ilumin)

Ed Ilumin (HRC Staff) stated that the HRC and Lawyer's Committee on Civil Rights co-hosted a public forum on Retail Discrimination at the State building. The purpose of this hearing was to hear testimony form the general public with regard to their experiences with racial profiling and accusations to people of color of criminal activity. The panel consisted of Commissioner Baghdassarian representing the Human Rights Commission, a representative from the Attorney General's Office, the City Attorney's Office, and the Department of Fair Employment and Housing.

Mr. Ilumin stated that one of the most egregious and publicized episodes of retail discrimination was when seven black gentlemen in three piece suits walked into a Denny's restaurant and were refused service. These gentlemen were secret service agents. Another example was in Hayward. An African American gentlemen went to U-Haul with his wife and two children to get a refund on an incorrect charge and the manager said no. When the gentleman inquired as to why, the manager asked him to wait at the counter and within five minutes, seven or eight police cars arrived. Officers entered the store with weapons drawn and apprehended the African American man. Later, the officers realized that a false report of robbery had been made. Mr. Ilumin stated that there are many complaints against businesses in San Francisco and that racial profiling and retail discrimination is a problem in this City.

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

No Report.

Employment Committee

No Report.

Issues Committee

Report of February 13, 2002 Meeting

Commissioner Sparks asked that since the Committee just met the night before, this item be continued until the next meeting.

MBE/WBE/LBE Advisory Committee
No Report.

Youth and Education Committee
Report of February 6, 2002 Meeting
Commissioner Dimapilis stated that the Committee did not have a quorum and that they are actively looking for new members.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
There was no discussion.

ADJOURNMENT
The meeting was adjourned at 5:50 p.m. in honor of Valentine's Day and Chinese New Year.

NEXT MEETING

DATE: February 28, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

APPENDIX A - *Referenced on page 3*

[1]

BLACK

I AM A VETERAN WHOSE HEALTH PROBLEMS PREVENT ME FROM WORKING.

I RECEIVE $790.00 A MONTH IN VA DISABILITY COMPENSATION — WHICH PAYS FOR RENT AT THE SUNNYSIDE HOTEL (135 6TH ST) IN THE SOUTH OF MARKET DISTRICT OF SAN FRANCISCO. I DON'T HAVE THE MONEY TO LIVE IN A CRIME-FREE AREA. (I SHOULD RECEIVE RESPECT - NOT RACISM)

I HAVE NO POLICE RECORD, OR TRIAL RECORD, OR JAIL RECORD, OR PRISON RECORD, OR CONVICTION RECORD, OR ARREST RECORD OR PAROLE RECORD, OR PROBATION RECORD, IN ANY CITY OR TOWN IN AMERICA.

I HAVE AN HONORABLE DISCHARGE FROM THE U.S. ARMY.

APPENDIX A - *Referenced on page 3*

[2]

THE CITY OF SAN THE FRANCISCO, AND STATE OF CALIFORNIA PAROLE AGENCY, PUT CONVICTED CRIMINALS, POSSIBLY INCLUDING CHILD MOLESTERS, IN THE SUNNYSIDE HOTEL,

(A) WITHOUT TELLING THE LAW-ABIDING TENANTS,

(B) WITHOUT PROTECTING THE LAW-ABIDING TENANTS FROM THESE "PAROLEES,"

(C) WITHOUT PUTTING IN-PLACE A SYSTEM TO MAKE SURE THE LAW-ABIDING TENANTS WERE NOT TREATED AS IF THEY WERE "PAROLEES."

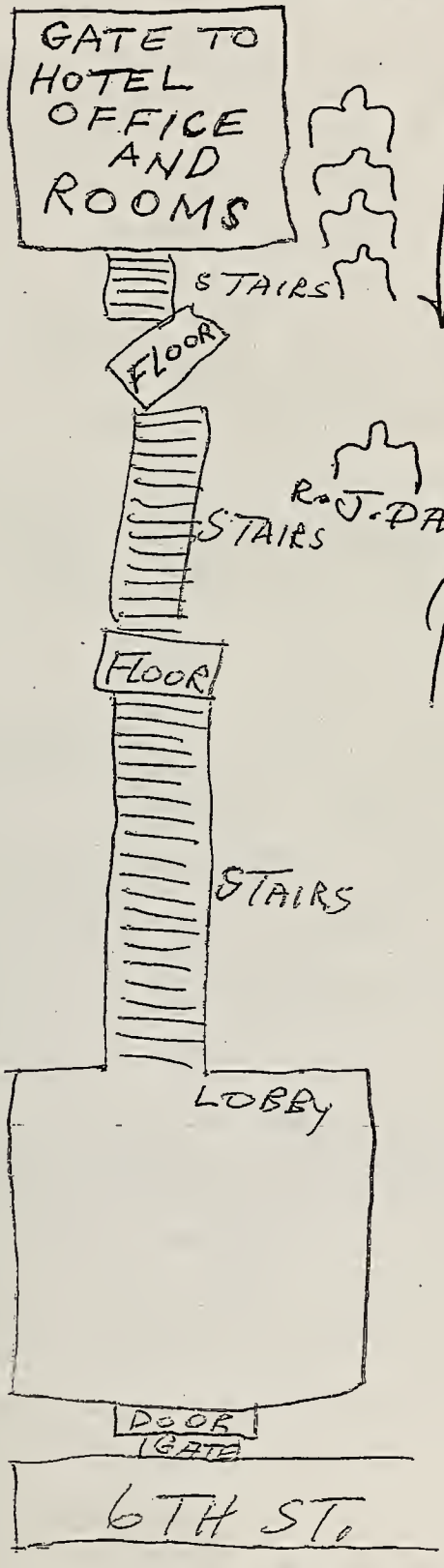
THEREFORE,
TOTAL RESPONSIBILITY
RESTS WITH THE CITY
AND STATE.

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT ONE

B

SUNNYSIDE HOTEL 135 6TH ST.



THOSE FOUR (EARL, HENRY, KIESEL, AND RODGER) HAD BEEN AT THE HOTEL CHECKING ON "PAROLEES." THEY WERE NOT IN THE HOTEL CHASING AFTER A "CRIMINAL SUSPECT." NO CRIME HAD BEEN COMMITTED. WHEN THEY CAME THROUGH THE GATE AND DOWN THE STAIRS, THEY WERE WALKING SLOWLY, LIKE OLD MEN.

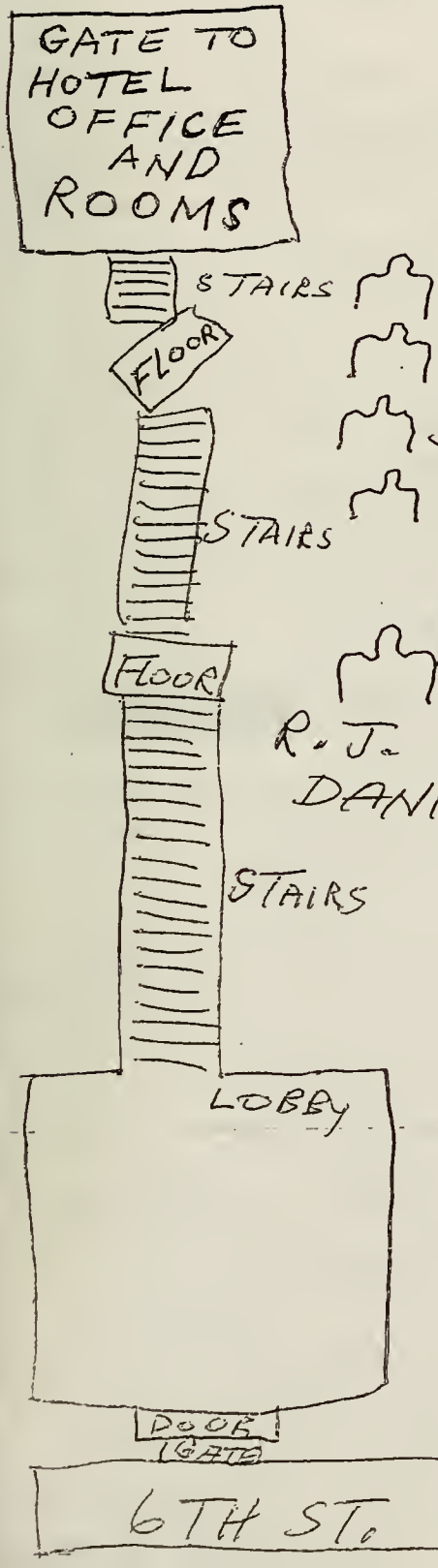
AGAIN, NO CRIME HAD TAKEN PLACE. NO LOG-RECORD EXISTS OF A CRIME, SUSPECT DESCRIPTION, ETC.

AND THE S.F.P.D. KNOWS THIS IS A FACT!

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT TWO (4)

SUNNYSIDE HOTEL 135 6TH ST.



THE CITY AND STATE PUT THOSE "PAROLEES" IN THE BUILDING. THEY HAVE ALL OF THEIR RECORDS (PHOTOGRAPHS, TATOOS, FINGERPRINTS, ETC.).

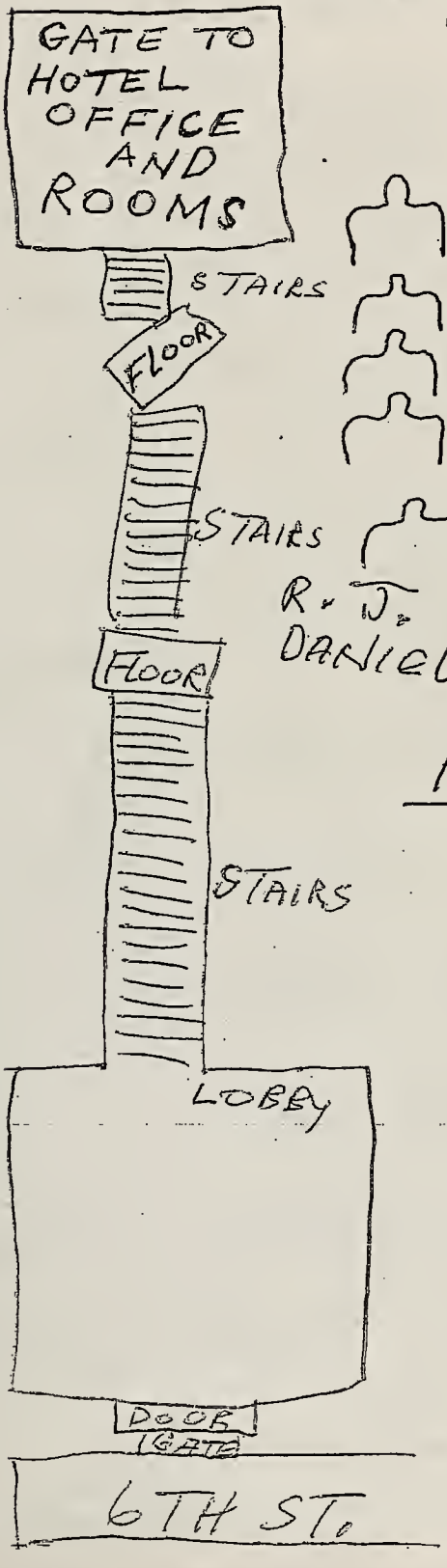
THEY KNOW WHO EVERY ONE OF THEIR PAROLEES ARE, THEY DON'T HAVE TO GUESS. AND

BEING A BLACK MAN DOES NOT MEAN YOU MUST BE ON PAROLE! TO SAY OTHERWISE

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT THREE 5

SUNNYSIDE HOTEL 135 6TH ST.



ALL FOUR OF THOSE LAW ENFORCEMENT OFFICERS ~~AGENT~~ WERE IN CIVILIAN CLOTH

POLICE OFFICERS ARE OBLIGATED TO VERBALLY IDENTIFY THEMSELVES AT THE TIME THEY [redacted] FIRST MAKE CONTACT WI A CITIZEN.

ALL FOUR FAILED TO DO SO — A VIOLATION OF PROPER AND LEGAL PROCEDURES.

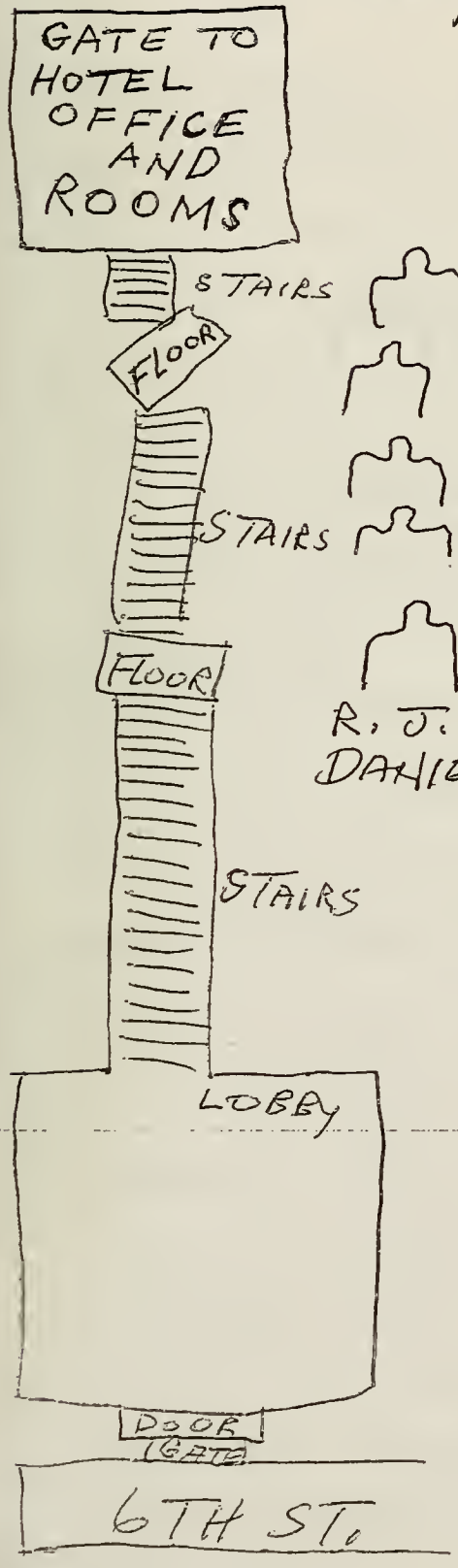
RODGER NEVER SAID ONE WORD TO ME. HE WAS THE OFFICER RINGING UP THE REAR

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT FOUR

6

SUNNYSIDE HOTEL 135 6TH ST.



THE LETTER SENT TO ME FROM THE STATE PAROLE AGENCY FALSELY CLAIMS THAT = THE S.F.P.D. OFFICERS (PLURAL) MADE THE INITIAL CONTACT WITH YOU."

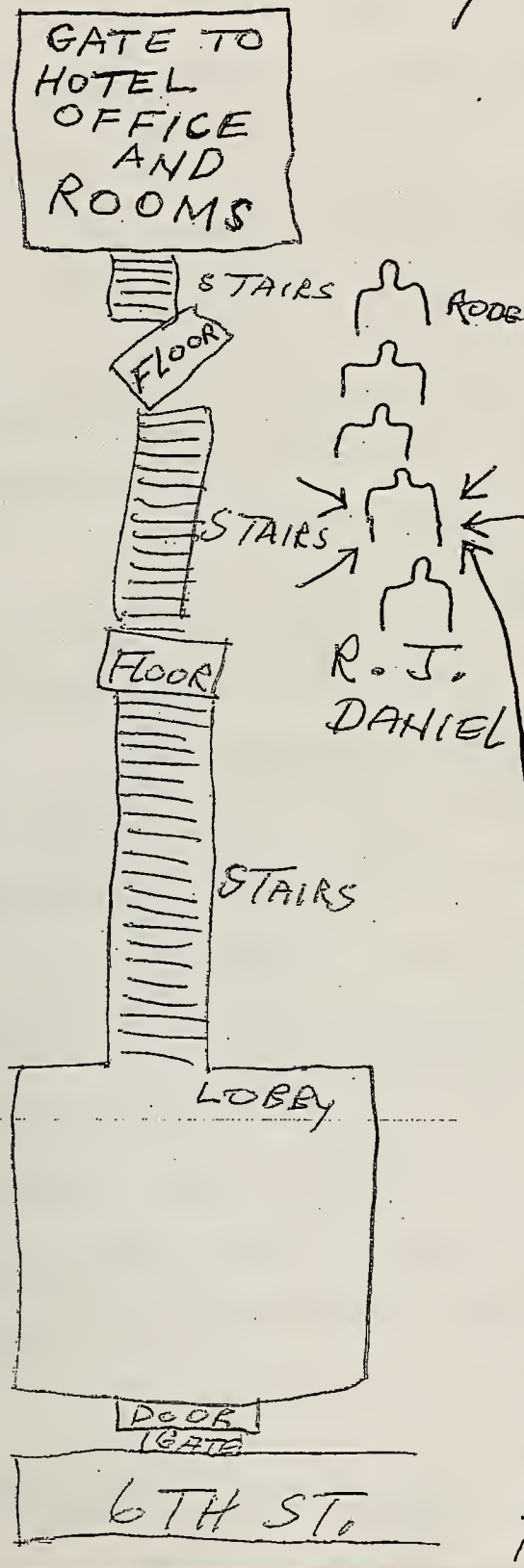
THE FACTS: OFFICER RODGER WAS BRINGING UP THE REAR. HE NEVER SAID A WORD TO ME — NO QUESTIONS. NOTHING. HE JUST WATCHED AND LISTENED. THUS, SUCH A CLAIM IS FALSE.

IF A POLICE OFFICER WITNESSES HIS FELLOW OFFICERS VIOLATING A CITIZEN'S RIGHTS, BUT FAILS TO INTERVENE TO STOP THEM, HE [illegible]

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT FIVE [7]

SUNNYSIDE HOTEL 135 6TH ST.



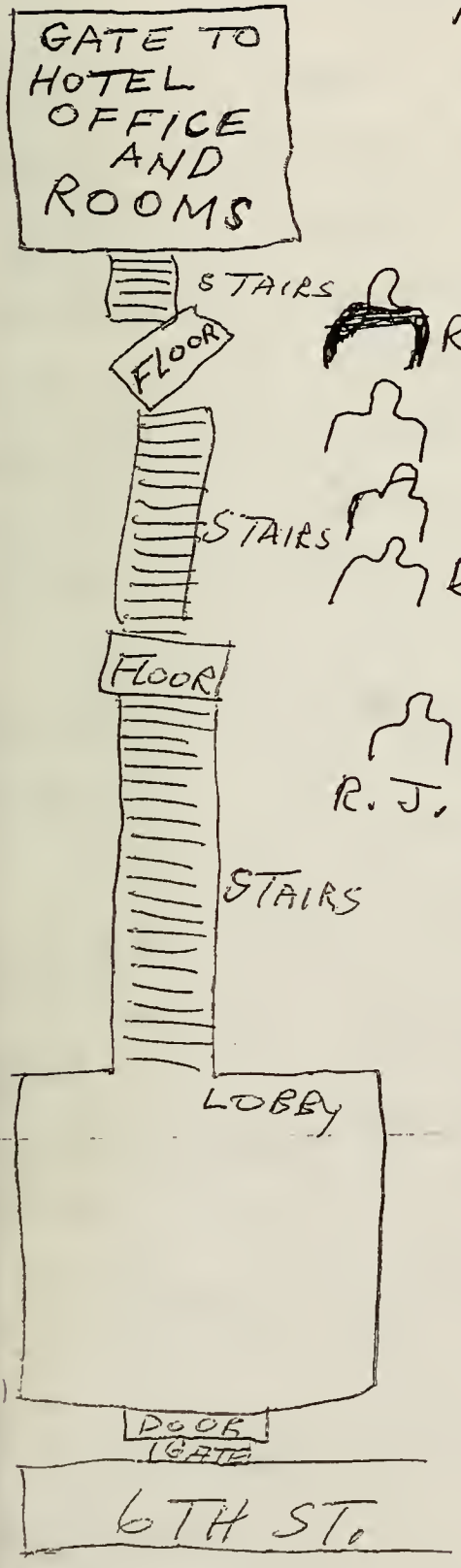
THE LIE-FILLED LETTER FROM THE STATE PAROLE AGENCY GOES ON TO FALSELY CLAIM THAT THE S.F.P.D. OFFICERS (PLURAL) THEN "REQUESTED IDENTIFICATION." THIS IS A TOTAL LIE.

THE FACTS: AFTER PHYSICALLY BLOCKING ME, THE FIRST THING THAT RACIST LAW ENFORCEMENT AGENT ASKED ME WAS "ARE YOU ON PAROLE." WHEN I DENIED BEING ON PAROLE, THIS RACIST PROCEEDED TO ACCUSE ME OF BEING ON PAROLE AGAIN AND AGAIN, NO MATTER HOW MANY TIMES I

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT SIX [8]

SUNNYSIDE HOTEL 135 6TH ST.



RODGER DID NOT ASK, OR ACCUSE ME, OF BEING "ON PAROLE." HE WAS BRINGING UP THE REAR, NOT SPEAKING, JUST WATCHING.

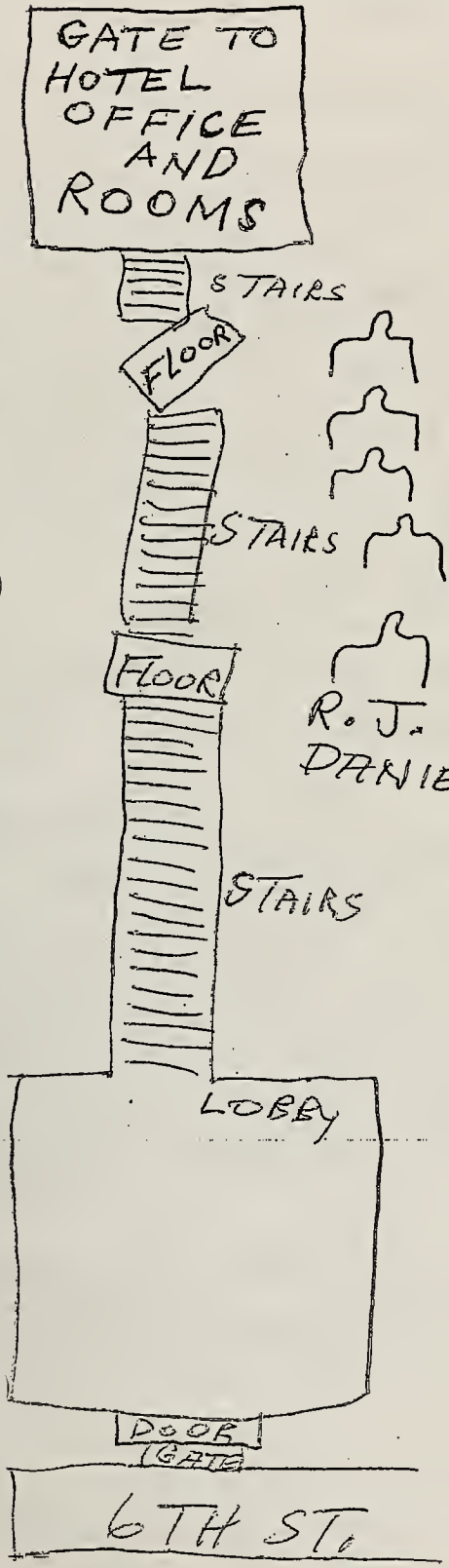
IT WAS ONE OF THOSE THREE (EARL, OR KIESEL, OR HENRY) WHO ACCUSED ME, REPEATEDLY, OF BEING "ON PAROLE," WITHOUT IDENTIFYING HIMSELF AS A POLICE OFFICER - AGENT BEFORE-HAND.

THEN, IN ORDER TO HAVE AN EXCUSE (COVER) FOR HIS RACIST PROFILING, HE ACCUSED ME OF BEING A "CRIMINAL SUSPECT," THOUGH NO CRIME HAD

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT SEVEN [9]

SUNNYSIDE HOTEL 135 6TH ST.

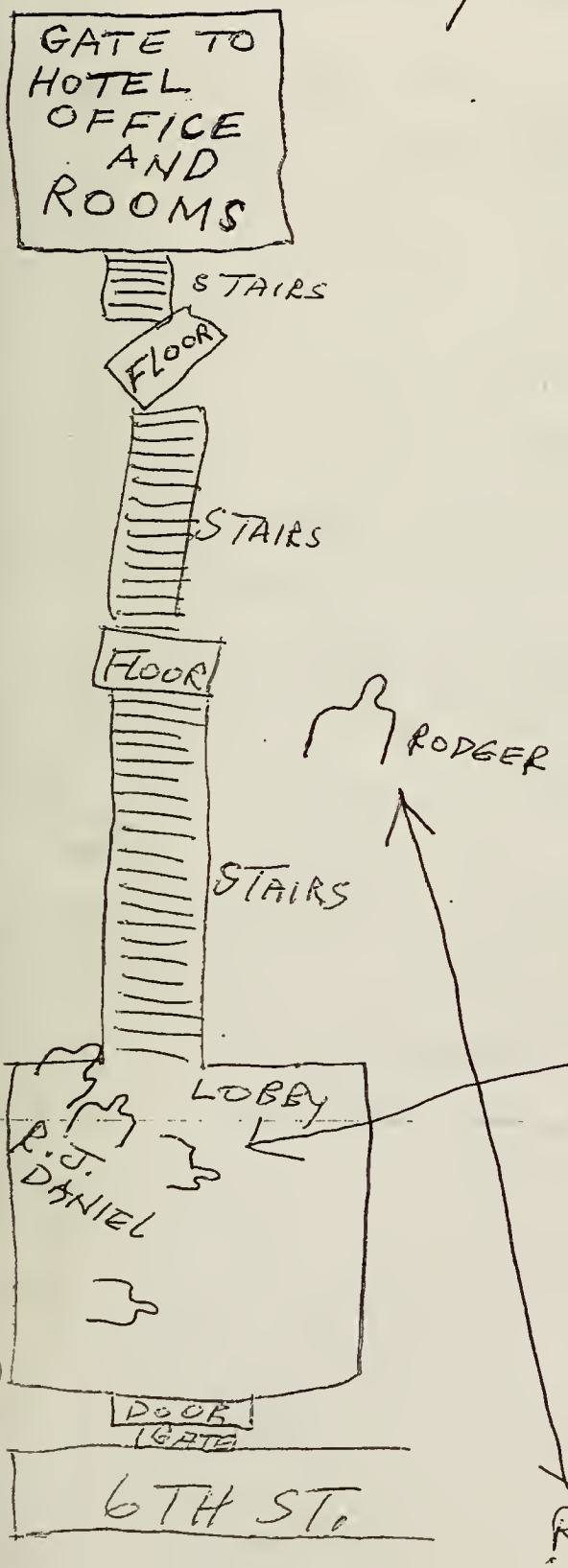


REMEMBER, THOSE FOUR WERE IN THE HOTEL CHECKI ON "PAROLEES" THEY HAD RECORDS FOR, AND KNEW WERE PAROLEES THEY WEREN'T CHASI A CRIMINAL —— RECAP NO CRIME HAD OCCURED THE S.F.P.D. KNOWS NO LOG-RECORD EXISTS OF ANY CRIME, SUSPECT DESCRIPTION, ETC. THAT RACIST COMMITS A CRIMINAL ACT WHE HE MADE UP A PSEUDO-CRIME, AND BY EXTENTI A "CRIMINAL SUSPECT," IN ORDER TO HAVE A "TOTALLY-BOGUS" EXCUSE TO VIOLATE STATE LAWS AGAINST RACIAL PROFILING (SB110

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT EIGHT (10)

SUNNYSIDE HOTEL 135 6TH ST.



THE 4TH AMENDMENT OF THE U.S. CONSTITUTION FOREIDS ILLEGAL SEARCHES.

THERE I WAS, ON THE STAIRS TO MY HOME, SURROUNDED BY RACISTS WITH GUNS — A DISABLED BLACK VETERAN WITH NO POLICE RECORD, BEING INTIMIDATED INTO SUBMITTING TO AN ILLEGAL SEARCH.

THAT RACIST INTIMIDATED ME INTO GOING DOWN THE STAIRS TO THE LOBBY TO BE SEARCHED, FOLLOWED BY THOSE THREE, WHO SURROUNDED AND ILLEGALLY SEARCHED ME, VIOLATING THE 4TH AMENDMENT. RODGER STAYED ON THE STAIRS

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT NINE III

SUNNYSIDE HOTEL 135 6TH ST.

AFTER BEING ILLEGALLY SEARCHED, THEY DEMANDED THAT I SUBMIT TO AN I.D. CHECK.

AS THIS I.D. CHECK TOOK PLACE, I ASKED FOR THEIR BADGE NUMBERS.

KIESEL, THE MOST VICIOUS RACIST, TOLD ME TO "SHUT UP!"

THEN, LOOKING LIKE AN ANGERED JON GRUDEN OF THE OAKLAND RAIDERS, KIESEL IN A MOST INTIMIDATING FASHION, ACCUSED ME OF "LYING" TO THE POLICE, OF HAVING A CRIMINAL RECORD.

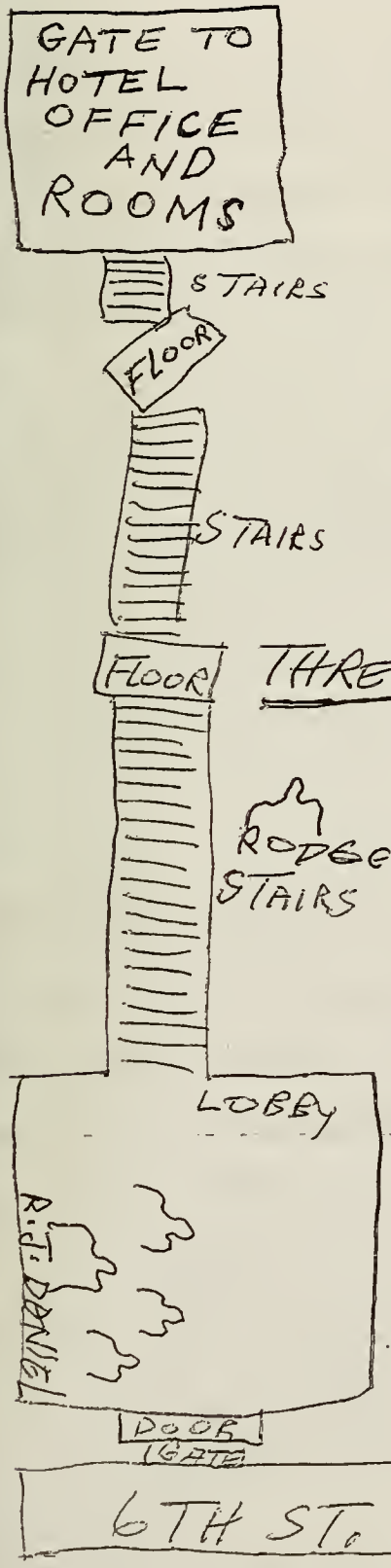
THE OTHER TWO OFFICERS JOINED KIESEL IN ACCUSING

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT TEN

(12)

SUNNYSIDE HOTEL 135 6TH ST.



I DENIED THEIR RACIST ACCUSATIONS OF HAVING A CRIMINAL RECORD.

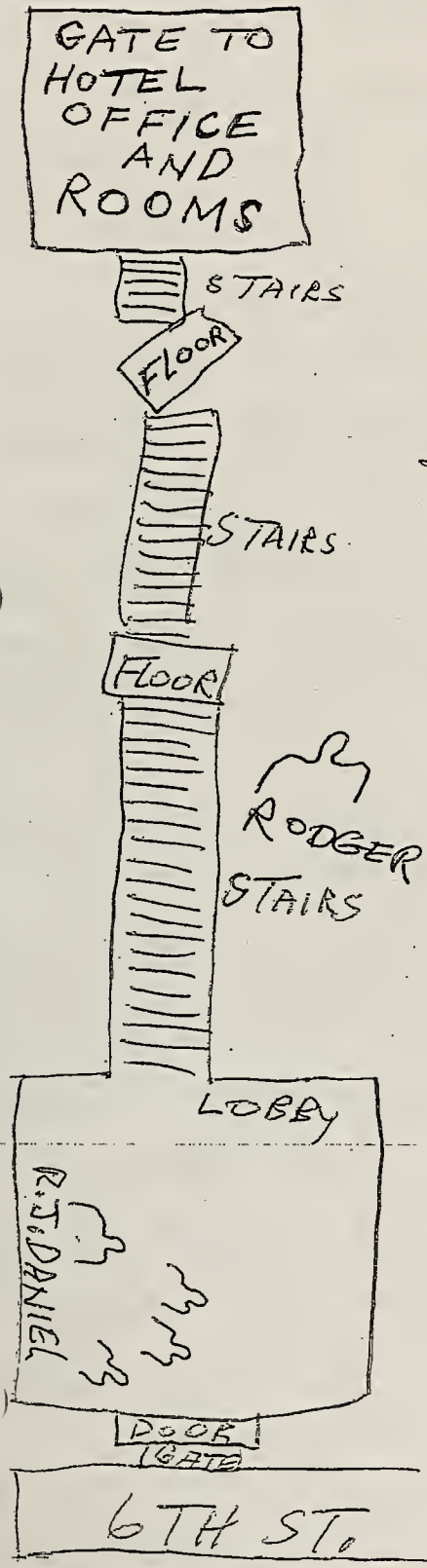
I INSISTED ON RECEIVING THEIR BADGE NUMBERS, WHICH WERE GIVEN TO ME WHILE THE MOST HATE-FILLED SCOWLS WERE ON THEIR THREE FACES — ESPECIALLY KIESEL, A VICIOUS RACIST, WHO WAS TRYING TO PROVOKE ME INTO TRYING TO RUN AWAY, OR INTO GETTING EMOTIONAL, SO THEY WOULD HAVE THE EXCUSE THEY WANTED TO BEAT ME DOWN, OR KILL ME WITH THEIR WEAPONS, JUST ANOTHER JUSTIFIABL HOMICIDE OF A BLACK MA

APPENDIX A - *Referenced on page 3*

FACT EXHIBIT ELEVEN

(13)

SUNNYSIDE HOTEL 135 6TH ST.



AS I WROTE DOWN THEIR NAMES AND BADGE NUMBER. ONE OF THE THREE (EARL, HENRY, KIESEL) RETURNED WITH MY I.D. AND ADMITTED I HAD BEEN TELLING THE TRUTH ALL ALONG.

I WAS TOLD I COULD GO ——— NO APOLOGY, NO NOTHING.

AS I WAS LEAVING THE HOTEL TO GO TO FIL CHARGES AGAINST THEM AT THE O.C.C., I PROMISE THEM I WOULD SEE TO IT THAT THEY WILL BE BROUG TO JUSTICE FOR RACIAL PROFILING. THEY ARE ALL CRIMINALS, INCLUDING RODGER

APPENDIX A - *Referenced on page 3*

IN CONCLUSION

THE LETTER WHICH WAS SENT TO ME FROM THE STATE PAROLE AGENCY DEMONSTRATES THEY ARE UNDER THE IMPRESSION (ILLUSION) THAT THE OFFICE OF CITIZEN COMPLAINTS (O.C.C.) HAS INVESTIGATED THEIR TWO PAROLE AGENTS (EARL AND HENRY), AND BECAUSE THE "PRELIMINARY FINDINGS" IN THIS CASE MENTIONS ONLY THE TWO S.F.P.D. OFFICERS (KIESEL AND RODGER), THEIR TWO PAROLE AGENTS HAVE BEEN EXONERATED,

NOT TRUE!

THE O.C.C. INFORMED ME WHEN I FILED MY COMPLAINT, THAT THE O.C.C. DOES NOT HAVE THE AUTHORITY TO INVESTIGATE STATE PAROLE AGENTS — BY LAW, THE O.C.C. CAN INVESTIGATE S.F.P.D. OFFICERS ONLY. PAROLE AGENTS EARL AND HENRY JOINED S.F.P.D. OFFICER KIESEL IN RACIALLY-PROFILING ME. RODGER SAW EVERYTHING FROM THOSE STAIRS.

APPENDIX A - *Referenced on page 3*

ALSO, THE D.C.C.C. ADMITS IT'S OFFICIAL POLICY CONCERNING EVIDENCE SAYS

NO VIDEO (CATCHING THEM IN THE ACT), NO OUTSIDE WITNESSES, NO BREAKING OF THE "CODE OF SILENCE"

RESULTS IN A NOT SUSTAINED.

SUCH A STANDARD IS OUTRAGEOUS, BECAUSE IT CAN'T BE MET BY ANYONE, WHICH IS WHY THE CREATORS OF THE D.C.C.C. SET SUCH AN IMPOSSIBLE STANDARD. (OVER 80% OF COMPLAINTS ARE NOT SUSTAINED)

THE FACTS SPEAK FOR THEMSELVES — NO VIDEO, ETC., IS NEEDED TO CONVICT THESE CRIMINALS. S.F.P.D. OFFICER RODGER IS THE KEY. HE IS GUILTY BECAUSE HE DID NOT INTERVENE TO STOP THEM. HE WATCHED FROM THE STAIRS, SEEING KIESEL, EARL AND HENRY RACIALLY PROFILE ME

APPENDIX A - *Referenced on page 3*

E OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY GRAY DAVIS, Governor
PARTMENT OF CORRECTIONS
ole and Community Services Division
ion II Headquarters
5 Clay Street, 10th Floor
land, CA 94612

February 6, 2002

Mr. R. J. Daniel
537 Jones Street # 9295
San Francisco, CA 94102

Dear Mr. Daniel:

This is in response to your correspondence dated January 11, 2002, in which you allege that on July 25, 2001, Parole Agents Baron and Henry subjected you to racial profiling.

A review of Parole and Community Services' (P&CSD) records indicate Baron Earl is a parole agent with P&CSD but Henry Star is not an employee of the Department of Corrections. Parole Administrator Colleen Costa recently interviewed Parole Agent Earl regarding the incident in your letter. He indicated that on July 25, 2001, he was with San Francisco Police Department (SFPD) officers conducting a routine operation at a hotel on 6th Street in San Francisco. He also stated the SFPD officers made the initial contact with you and requested identification. Taking in consideration Parole Agent Earl's statements and reviewing your complaint, I regret to inform you that there is insufficient evidence that would indicate racial profiling.

WHO IS HE ?

STANDARD DENIAL

In addition, on December 4, 2001, the Office of Citizen Complaints responded to similar allegations and concluded the majority of your allegations were unfounded and unsustained. The only allegation sustained was of unwarranted action against a police officer for detaining you without justification. If you are not satisfied with their disposition, you may request an investigative hearing as noted in the letter you received from the City and County of San Francisco.

If you have further questions, please contact West Bay District Administrator Colleen Costa located at 1727 Mission Street, San Francisco, California, 94103, or at telephone number (415) 703-3164.

Sincerely,

MICHAEL C. OSKINS
Regional Parole Administrator

cc: Sharon Jackson

THE PAROLE AGENCY IS TRYING TO SHIFT SOLE RESPONSIBILITY FOR THIS TO S.F. POLICE

APPENDIX A - *Referenced on page 3*

OFFICE OF THE MAYOR
SAN FRANCISCO

WILLIE LEWIS BROWN, JR.

↓ CONTACT BRENT CASE

MICHAEL M. MENESINI
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
DISTRICT ATTORNEY
(415) 553-1488
FAX (415) 553-9054

HALL OF JUSTICE
850 BRYANT STREET, ROOM 301
SAN FRANCISCO, CA 94103

August 14, 2001

R.J. Daniel
537 Jones Street, #9295
San Francisco, CA 94102

Dear Mr. Daniel,

Thank you for your letter regarding your recent experience with officers of the San Francisco Police Department.

Police officers represent a variety of roles for their department, as well as the community, and if an officer uses poor judgment, it does sometimes reflect negatively on the Police Department. I expect all city employees to treat people with respect and dignity at all times and I am disappointed that this was not your experience.

Dee Schexnayder of my staff has made an inquiry with the Police Department about the issues raised in your letter. I understand that Chief Lau has forwarded a copy of your letter to the Management Control Division for further investigation. I have asked Chief Lau to advise me of his response to you. If you wish to further pursue your complaint, you may contact the Office of Citizen Complaints (OCC), 480 2nd Street, San Francisco, CA 94107. The telephone number is (415) 597-7711. OCC is the agency that investigates citizen allegations of police misconduct.

I apologize for any inconvenience you may have suffered.

THE D.C.C. HAS RULED AGAINST THE S.F.P.D. OFFICER

Sincerely,

Willie L. Brown, Jr.
Mayor

MCJC/WLB/EC/ds
c: Chief Fred Lau

→ MAYOR BROWN HAS YET TO KEEP HIS COMMITMENT TO INVEST

APPENDIX B - *Referenced on page 3*

Feb 14 02 03:16p P.1

S&S TRUCKING

May 20, 1999

Human Rights Commission
25 Van Ness Ave. Suite 800
San Francisco, CA 94102

Certification Unit:
Please find enclosed the certification application and supporting documentation for SN Sands Corp DBA: S & S Trucking. Please be advised that should certification be issued to SN Sands Corp. DBA: S & S Trucking, we are requesting that the registration for all purposes be under the DBA: S & S Trucking.

Sincerely,

Frank Sanchez
General manager

99 MAY 20 PM 4:18

MAILING: P.O. BOX 282009 • SAN FRANCISCO, CA 94128-2009
477 ROLAND WAY • OAKLAND, CA 94621-2014 • (510) 383-3556 • FAX (510) 383-2917
2332 MARIPOSA STREET • SAN FRANCISCO, CA 94110-1421 • (415) 626-1123 • FAX (415) 864-3527

APPENDIX B - *Referenced on page 3*

Mayor

Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Interim Director

July 24, 2000

Mr. Steve Navarro
S N SANDS DBA S & S TRUCKING
2332 Mariposa St.
San Francisco, CA 94110-1421

Dear Mr. Navarro:

Pursuant to the MBE/WBE/LBE Ordinance II, Chapter 12D of the San Francisco Administrative Code, your firm has been certified as an economically disadvantaged, Minority Business Enterprise which is valid for three (3) years. Your certification number is: 31-073-30452.

This Certification now allows your firm to be eligible to receive 10 percent discount in all bids/proposals with the City and County of San Francisco when bidding/proposing as a provider of: trucking (end dumps, 10 wheelers, flatbeds)..

To verify your business status as a bona-fide Minority Business Enterprise, please indicate your certification number and show this letter upon request to the contract awarding authority.

The Human Rights Commission reserves the right to withdraw this certification at any time. HRC also reserves the right to request additional information and/or conduct on-site visits for purposes of verification.

For re-certification, contact the Human Rights Commission, 25 Van Ness Avenue, Suite 800, San Francisco CA 94102, Attention: CERTIFICATION UNIT.

Please notify this office at least sixty (60) days prior to the expiration date; 07/30/2003. Failure to do so, may result in removal of your company's name from the approved list of MBE/WBEs.

If there are any changes in your firm's status during this certification period, you are required to notify this office immediately.

Thank you for your interest in the HRC's MBE/WBE/LBE Program. You can access the Vendor Directory at our Internet address http://www.ci.sf.ca.us/sfhumanrights.

If you have any suggestions e-mail us at hrc@ci.sf.ca.us.

Sincerely,

Virginia Harmon
Acting Executive Director

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

APPENDIX B - *Referenced on page 3*

PAUL ANTHONY ELIZONDO
ATTORNEY AT LAW
610 SIXTEENTH STREET, SUITE 317
OAKLAND, CALIFORNIA 94612
TELEPHONE (510) 452-9900
FAX (510) 452-6461

13 February 2002

VIA FACSIMILE
415.431.5764

Virginia M. Harmon
Executive Director, Human Rights Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102-6033

Re: S N SANDS dba S&S Trucking

Dear Ms. Harmon

On 11 February 2002, my client, above-referenced, received and delivered to me yours dated 6 February 2002 in which you inform: "...HRC hereby decertifies S N Sands as an M/LBE Trucker.

The ostensible grounds of the decision were:

1. My client is not "economically disadvantaged" within the meaning of Chapter 12D of the San Francisco Administrative Code;
2. That my client's revenues in the three fiscal years preceding application for certification exceeded $3.5 million; and,
3. That this calculation was arrived at by applying Rule VI.B.1(b) [effective June 8, **2000**], of the Rules and Regulations regarding common ownership. The years cited as disqualifying my client are **1999, 1998 and 1997**.

On its face, this decision, on the grounds asserted is untenable and outrageous.

APPENDIX B - *Referenced on page 3*

On 24 July 2000, my client received a letter of certification, signed by you. You stated "Please notify this office at least sixty(60) days prior to the expiration date : 07/30/**2003.**

As there appears to be no legal or factual basis for this proposed action, this shall serve as my Notice of Appeal.

I look forward to your timely response.

Very truly yours,

PAUL ANTHONY ELIZONDO

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, February 28, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
FEB 27 2002
SAN FRANCISCO
PUBLIC LIBRARY
02-27-02A10:13 RCVD

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

    a. Approval of minutes of Commission Meeting of February 14, 2002
    [➲Action Item *Attachment to be provided at meeting*]

4. CIRCULATE GENERAL COMMUNICATIONS FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

    a. Individual Commissioner Reports on Community Activities
    [◎Discussion Item]

7. REPORT OF THE DIRECTOR

    a. Update on January 10 Hearing Regarding Discrimination and Hate Crimes Against Members of Arab American, Muslim, South Asian and Other Minority Communities (Truax)
    [◎Discussion Item]
    b. Appointment of hearing officer for certification appeal received from S N Sands dba S&S Trucking. Certification revocation based on Administrative Code 12.D.A. and HRC Rules and Regulations.
    [➲Action Item]

8. RESOLUTION HONORING JAMES HASKELL MAYO II
[➲Action Item *Attachment Provided*]

9. HRC DIVISION REPORT

   a. MBE/WBE/LBE Division:
      i. Report on the West Wing of the Conservatory of Flowers Phase Two, Contract 1258H-A®, Recreation & Parks Project (Fong)
      [◎Discussion Item *Attachment Provided*]

10. COMMITTEE REPORTS

   a. Lesbian Gay Bisexual Transgender Advisory Committee
   Commissioner Martha Knutzen, Chair
   Commissioner Theresa Sparks, Vice Chair
   Committee Staff: Larry Brinkin, Ellise Nicholson

      i. Report of February 19, 2002 Committee Meeting
      [◎Discussion Item]

      NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, March 19, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   b. Employment Committee
   Commissioner Larry Lee, Chair
   Commissioner Wilfred Hsu, Vice Chair
   Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

      i. Report of February 7, 2002 Committee Meeting
      [◎Discussion Item]
      ii. Possible adoption of letter of concern regarding section 111 of the Aviation and Transportation Security Act, Public Law No. 107-71 governing qualifications of airport security and screening personnel.
      [➲Action Item *Attachment Provided*]

      NOTE: *The next meeting of the Employment Committee will be held on Thursday, March 7, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   c. Issues Committee
   Commissioner Theresa Sparks, Chair
   Commissioner Haig Baghdassarian, Vice Chair
   Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

      i. Report of February 13, 2002 Committee Meeting

[◎Discussion Item]

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, March 13, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of February 20, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, March 20, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. No Report.

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, March 6, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NEXT MEETING: THURSDAY, FEBRUARY 28, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

[**DRAFT RESOLUTION** presented to the Human Rights Commission on February 28, 2002, honoring James Haskell Mayo II]

ITEM 8
02-28-02 Meeting

JAMES HASKELL MAYO II

Whereas, James Haskell Mayo II has served with dedication as a Commissioner for the Human Rights Commission; and

Whereas, James Haskell Mayo II proudly serves as the Vice-President of the United Negro College Fund; and

Whereas, James Haskell Mayo II continues to support the community through his involvement with the San Francisco Community College Board, the Black Chamber of Commerce, the African American Historical and Cultural Society and the San Francisco Delinquency Prevention Commission, to name a few; and

Whereas, the Human Rights Commission congratulates James Haskell Mayo II as he is honored by the San Francisco City Club's "Wall of Fame"; and

Now, Therefore Be It Resolved, the Human Rights Commission extends honor and thanks to James Haskell Mayo II for his unwavering dedication to the community in the City and County of San Francisco.

Ghada Saliba-Malouf
Chair of the San Francisco Human Rights Commission

City and County of San Francisco

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV

Willie Lewis Brown, Jr.
Mayor

Discrimination

Virginia Harmon
Executive Director

MEMORANDUM

ITEM 9.a.i.
02-28-02 Meeting

To: Members, San Francisco Human Rights Commission

From: Bayard Fong
Contract Compliance Officer I

Subject: West Wing of the Conservatory of Flowers Phase Two, Contract 1258H-A®, Recreation & Parks Project

Date: February 15, 2002

Introduction

The project involves the rehabilitation of the Conservatory of Flowers, a historic landmark in Golden Gate Park which was built in 1878. The Conservatory, which houses a collection of rare and endangered plants, was badly damaged in the 1995/96 windstorms. The first phase of the repair work involved parts of the West Wing and was completed by another contractor. This second phase covers the rest of the West Wing and part of the East Wing. It includes disassembling and reassembling the original woodwork, piece by piece, fabricating new wood work where the original woodwork could not be salvaged, hazardous materials abatement and new architectural, structural, mechanical, plumbing and electrical work for the renovated building.

The project was competitively bid in May 2001. In July 2001, the Recreation and Parks Commission awarded the contract to a joint venture between ISEC, Inc. and Troy's Contracting, Inc. ISEC, Inc., a majority owned firm based in Fremont had a 60% share in the joint venture while Troy's Contracting, a local African American owned firm, was a 40% joint venture partner. Troy's Contracting was responsible for disassembling the original structure, installing the new ventilation ducts and floor gratings, as well as other miscellaneous metal work.. Troy Reese, the owner of Troy's Contracting, was actively involved in the management of the project, attending the weekly meetings and fielding his own crew.

The joint venture applied for and was granted a 7.5% bid discount, based on Troy's participation in the joint venture. However, the joint venture would have been the low bidder with or without the bid discount.

HRC MBE/WBE subcontractor participation goals of 14% and 2% respectively were established for this project. The original contract amount was $2,198,153 with MBE/WBE participation as follows:

Firm	Service	MBE		WBE	
Tony Lo Plumbing	Plumbing	$282,598	12.9%		
Ted Kurihara	Photography	$ 3,514	0.2%		
Lewis Restoration	Restore Ventilator Hardware	$ 12,036	0.5%		
Michael Jones Trucking	Hauling	$ 11,256	0.5%		
J. Higgins Trucking	Hauling	$ 3,400	0.1%		
NCCI	Concrete foundation			$155,035	7.1%
Total		**$312,804**	**14.2%**	**$155.035**	**7.1%**

As of today, the project is 97% complete. There have been several change orders which were mainly for increased work by the joint venture, and particularly in the disassembly work performed by Troy's Contracting. As a result, Troy's current level of participation in the joint venture has risen slightly to 42%. The amount originally committed to Tony Lo Plumbing and NCCI also increased slightly as a result of the modifications. In addition, it is worth mentioning that:

- Silver Glass, the glazing company used to install the glass on this project, was formerly an HRC certified MBE. Its owner recently passed away and his widow is currently seeking to pass her contractors' license so that she can continue the firm and renew her certification. Silver Glass has a total contract of $225,564 or 8% of the project.
- Subsurface Environmental, the firm hired for demolition and site preparation, was formerly certified as a WBE but it 's certification had expired at the time the bid was submitted. The firm has since been recertified. It has a total contract of $43,243 or a little less than 2% of the project.

The Joint Venture and its subcontractors have also demonstrated good faith efforts to meet the diversity goals in employment, including local hiring. In particular, Troy's Contracting has hired two workers from Young Community Developers, a community based organization located in Bayview Hunters Point. Preliminary statistics for the project indicate an employment level of 63% minority, 10% women, and 12% local hiring. The project has included white, Latino, African American and, Asian American workers, as well as women.

As part of the contract, the Joint Venture had the opportunity to be considered for the third phase of the project, based on the city's assessment of the overall quality of the work performed, and compliance with city requirements. These negotiations have been successfully completed and the joint venture has been retained for Phase 3, with a contract of approximately $11,600,000. As part of these negotiations, the Joint Venture has agreed to meet and exceed the original MBE/WBE participation goals, to improve the hiring of local San Francisco residents (the goal is 50%) and to attempt to hire new workers from Ella Hill Hutch Community Center, the community based organization located within the project area.

This historic project is a joint effort, involving many departments, including DPW, the Recreation and Park Commission and HRC. To date, City staff and the joint venture have worked together in an effort to achieve the goals for MBE/WBE participation as well as employment goals for a diverse workforce. We hope to continue and outmatch this success in the final and largest phase of the work.

City and County of San Francisco

Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, California 94102-6033
415-252-2500 Phone
415-431-5764 Fax

Immigrant Rights Commission
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
Phone 415-554-4789
Fax 415-554-6177

February 28, 2002 DRAFT

ITEM 10.b.ii
02-28-02 Meeting

Mr. Norman Y. Mineta, Secretary
U.S. Department of Transportation
400 7th Street, SW
Washington, D.C. 20590

Dear Secretary Mineta:

The San Francisco Human Rights Commission and the San Francisco Immigrant Rights Commission are writing to express their deep concern about the discriminatory effect of section 111 of the Aviation and Transportation Security Act, ("ATSA"), Public Law No. 107-71, passed on November 19, 2001 which requires that airport screeners be U.S. citizens. We are aware that the San Francisco Board of Supervisors also shares our concerns.

The terrorist hijacking of four airliners confirmed the need to improve aviation security on flights in the United States. Congress' sole stated purpose in enacting ATSA was "(to) improve aviation security." The law contains numerous provisions such as expanding screening of passengers and baggage and enhancing the training of flight and cabin crew. However, section 111 of ATSA adds a new and unwarranted precondition for employment as an airport screener: United States citizenship.

As a direct consequence of this provision, hundreds of lawful permanent residents who are currently employed as airport screeners will be summarily fired from their jobs without any process whatsoever to determine whether their continued employment would pose a security risk. These women and men are prohibited by ATSA from eligibility to reapply as federal screeners, notwithstanding that some have worked for more than ten years at their present employment.

The discriminatory provisions of section 111 of ATSA serve no interest of furthering aviation security. In fact, the most immediate impact of the citizenship requirement will be to jeopardize, rather than enhance, aviation security. In airports such as SFO, where more than 80 percent of screeners are currently non-citizens, enforcement of the citizenship requirement will virtually eliminate all experienced and tested screeners in favor of new employees with no background or know-how in this difficult security work.

San Francisco regards itself with pride as a City of immigrants, and this legislation would be devastating, especially to our Filipino community. In December, the Employment Committee of the Human Rights Commission heard testimony from numerous persons who are in imminent danger of losing their livelihoods and their homes. Because of the adverse impact of this legislation, most of these people will have extreme difficulty in finding alternate employment with commensurate wages and benefits.

It is evident that the citizenship provision for screeners will not contribute to improvement of aviation security, because no other airport employees are subject to ATSA's citizenship requirement. Non-citizen workers in other classifications have virtually unrestricted access to secure areas including the aircraft, airfields and luggage storage areas. Even pilots and flight attendants, as well as members of the National Guard, do not have to be citizens.

Thank you for your consideration of this matter.

Sincerely,

Ghada Saliba-Malouf
Chair, Human Rights Commission

Diana Lau
Chair, Immigrant Rights Commission

cc: George Walker Bush, The President
The Honorable Rosario Marin, Treasurer of the United States
The Honorable Dianne Feinstein, United States Senate
The Honorable Barbara Boxer, United States Senate
The Honorable Nancy Pelosi, The United States House of Representatives
The Honorable Tom Lantos, The United States House of Representatives
The Honorable Willie L. Brown, Mayor of San Francisco
The Honorable Tom Ammiano, President, Board of Supervisors

DOCUMENTS DEPT.

APR 19 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, February 28, 2002

Approved 03-14-02

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, Chair
Larry Lee, Vice Chair
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson

Virginia M. Harmon, Director

Toni A. Delgado, Commission Secretary

CALL TO ORDER
Commission Chair Saliba-Malouf called the meeting to order at 4:44 p.m.

ROLL CALL
Commissioners Present
Larry Lee, Vice Chair
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks

Commissioners Excused
Ghada Saliba-Malouf, Chair
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Lome Aseron, Larry Brinkin, James Fields, Bayard Fong, Veronica Ng, Diana Rathbone, Hadas Rivera-Weiss, and Nichole Truax

Guests Present
Catherine Barnes, Deputy City Attorney; and Mehnaz Saiyed (HRC Intern)

A quorum was present.

APPROVAL OF MINUTES
The minutes of HRC Commission meeting of February 14, 2002, were moved (Dimapilis), and seconded (Lee).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes – 6: Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks
Noes – 0:
Absent – 4: Baghdassarian, Littleton-Wilkinson, Salazar-Hobson, Ward

CIRCULATE GENERAL COMMUNICATIONS FILE
A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
There was no public comment.

REPORT OF THE CHAIR
Individual Commissioner Reports on Community Activities
Commissioner Dimapilis stated that she was asked to judge a speech contest. At this contest, one of the guests was Johnnie Pratt who invited the public to attend the opening of the new LGBTH center and Commissioner Dimapilis hoped that the Commission could be involved with this new center. Additionally, Commissioner Dimapilis stated that she had spoken with Commissioner Lee regarding the Bay Area Organizing Committee which advocates on behalf of the security workers at the airport. The Committee has been meeting with the clergy in the Bay Area, as well as students. The Committee is hoping to help facilitate the job security of the airport workers. Commissioner Dimapilis added that there may be a rally taking place in April with Senator Finstein and others.

REPORT OF THE DIRECTOR
Update on January 10 Hearing Regarding Discrimination and Hate Crimes Against Members of Arab American, Muslim, South Asian and Other Minority Communities
Director Harmon introduced Nichole Truax and Hadas Rivera-Weiss, (HRC Staff). Ms. Truax stated that after the hearing, she had spoken with Mike Farrah from Supervisor Gavin Newsom's office, and Chair Saliba-Malouf, who all agreed that the people who were involved with the pre-planning group would be invited to be a part of the follow-up working group. This group will provide input, direction, and recommendations for the report. The work group plans to hold their first meeting at the end of March/beginning of April.

Hadas Rivera-Weiss stated that the HRC was invited to participate in the Islamic Cultural Festival. Ms. Rivera-Weiss stated that the HRC Staff members were very warmly received and also had the opportunity to talk with other agencies that were also doing outreach in this area. The HRC had a table where they passed out flyers containing information about hate crimes, community resources, and information about the HRC.

Chair Saliba-Malouf congratulated and thanked both Ms. Truax and Ms. Rivera-Weiss for their hard work and participation in the Islamic Cultural Festival.

Appointment of hearing officer for certification appeal received from S N Sands dba S&S Trucking. Certification revocation based on Administrative Code 12.D.A. and HRC Rules and Regulations
Director Harmon stated that this item will be continued until further notice, at the request of S N Sands.

RESOLUTION HONORING JAMES HASKELL MAYO II
The adoption of the resolution honoring former Commissioner James Mayo was moved (Dimapilis), and seconded (Lee).

The motion to adopt the resolution as presented was CARRIED by the following vote:

Ayes – 6: Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks
Noes – 0:
Absent – 4: Baghdassarian, Littleton-Wilkinson, Salazar-Hobson, Ward

HRC DIVISION REPORT
MBE/WBE/LBE Division:
Report on the West Wing of the Conservatory of Flowers Phase Two, Contract 1258H-A®, Recreation & Parks Project
Bayard Fong (HRC Staff) provided the Commissioners with an update on the Conservatory of Flowers project that the HRC has been working on. Mr. Fong stated that one of the main responsibilities of the HRC under 12.D. is to promote minority/woman/local business opportunities and this project incorporated a joint venture with one of the HRC's M/W/LBE certified firms, as well as participation of woman sub-contractors. Mr. Fong introduced Will Kwan

who provided the Commissioners with a brief background on the Conservatory of Flowers.

Will Kwan, Architect with the Department of Public Works, stated that the Conservatory was erected 1878 which makes it the oldest structure in the park. The conservatory has survived fires and earthquakes, including the 1906 quake. The conservatory was closed to the public after damage incurred during the winter wind storms of 1995. The repair and renovation is jointly funded through both public and private funds: the Friends of Recreation and Park and the Department of Recreation and Park. The conservatory is an excellent example of Victorian architecture and the detailed woodwork and trim work is visible from both the interior and exterior. Mr. Kwan stated that the successful bidder, Troy Contracting, has been a joy to work. Troy Contracting is almost complete with the renovation and they have also been awarded the next and final phase of the project. In conclusion, Mr. Kwan invited the Commissioners and the public to the West Wing tour/viewing, happening this weekend.

Mr. Fong then introduced Dave Millar of ISEC, Inc., the 60% business of the joint venture that worked on the conservatory. Mr. Millar stated that ISEC had initially worked with Troy Contracting at the City Hall renovation. For the renovation, Troy was a sub-contractor for ISEC. Mr. Millar stated that the conservatory project was a great opportunity to work together as joint venture partners. Mr. Millar stated that this project has been a success, the project is being completed on time, within budget, and the HRC program has helped ISEC become more diverse and makes good business sense. Mr. Millar stated that working with Troy Contracting has helped ISEC be a better construction company.

Mr. Fong then introduced Troy Reese, proprietor of Troy's Contracting. Mr. Reese stated that working on the conservatory project and working with the HRC has been a wonderful experience. Mr. Reese stated that the conservatory project is a great example of the HRC's program working. Mr. Reese thanked the HRC and said keep up the good work.

Mr. Fong concluded with a few photos of the site and the workers. Mr. Fong stated that the goals for the project were 14% MBE AND 2% WBE and the contractor has been responsive in meeting those goals.

Chair Saliba-Malouf asked Mr. Fong what the employment figures were like in terms of minority/woman representation. Mr. Fong stated that the project has utilized 62% minority, 10% woman, and 16% local.

COMMITTEE REPORTS
Lesbian Gay Bisexual Transgender Advisory Committee
Report of February 19, 2002 Committee Meeting
Commissioner Knutzen stated that the Committee met with the LGBT Worker's Rights Project, sponsored by the Legal Aid Society. This project assists in the areas of LGBT employment issues. LGBT employment issues are over 50% focused on transgender rights. Commissioner Knutzen stated that the committee received a presentation on the HRC's Equal Benefit's Program. The Committee is in the process of recruitment, having interviewed over twenty people and hoping to invite eleven of those to membership with the LGBTAC. Commissioner Knutzen stated that the Committee will have more women than men. Retreat planning is the next item on the agenda for LGBTAC and added that the LGBT Community Center will be opening next weekend. Commissioner Knutzen noted that Larry Brinkin (HRC Staff), will be receiving an award from the Survivor's Memorial Skylight for his work in the area of psychiatric survivors. The Committee has become very involved with strategic planning and funding appropriation for the benefit of the LGBT Center and hopes to create a planning report.

Commissioner Sparks stated that this is a wonderful example of how the HRC took an issue, developed findings and recommendations, followed up on those items within the City and now it is ready to continue though the process. Commissioner Sparks stated that this work has been very valuable to the community.

Commissioner Knutzen then invited the Commissioners to a tour of the LGBT Community Center that the Committee will be providing instead of their regular meeting. This tour will take place at 5:30 p.m. on March 19th, 2002.

Employment Committee
Report of February 7, 2002 Committee Meeting
Vice-Chair Lee asked Ms. Mary Gin Starkweather (HRC Staff) to present the Commission with a report of the February 7th meeting. Ms. Starkweather stated that Committee staff members updated the committee on the violence and human rights violations that have occurred since September 11. The Committee adopted the Rules and Regulations implementing the Minimum Compensation Ordinance (MCO). Two presentations were made, the first on the services, programs, and classes offered by the jobs and careers resource center at the San Francisco

Main Library. The second presentation was from an attorney who spoke about the arrest and conviction information and records in employment processes.

Possible adoption of letter of concern regarding section 111 of the Aviation and Transportation Security Act, Public Law No. 107-71 governing qualifications of airport security and screening personnel
Ms. Starkweather stated that the Committee had great interest and concern that this letter go out as soon as possible.

The adoption of the letter of concern regarding section 111 of the Aviation and Transportation Security Act, Public Law No. 107-71 governing qualifications of airport security and screening personnel was moved (Lee), and seconded (Dimapilis).

Chair Saliba-Malouf asked if the Board of Supervisors has a position on this subject. Ms. Starkweather stated that the Board had adopted a resolution in favor of this issue, which contained a lot of the same language, although the HRC letter was a bit stronger.

Vice-Chair Lee asked that any other Commissioners add to this letter any language that they think is helpful.

Chair Saliba-Malouf asked if anyone on the Commission is in touch with the Bay Area Organizing Committee, because she would like their feedback on this letter. Commission Dimapilis stated that she would contact the Bay Area Organizing Committee.

The motion to adopt the letter SUBSTANTIALLY IN THE FORM PRESENTED was CARRIED by the following vote:

Ayes – 6: Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks
Noes – 0:
Absent – 4: Baghdassarian, Littleton-Wilkinson, Salazar-Hobson, Ward

Issues Committee
Report of February 19, 2002 Meeting
Commissioner Sparks introduced Lome Aseron (HRC Staff) who provided the Commission with a brief report. Mr. Aseron stated that the Committee discussed their role within the HRC, particularly regarding the backlash since September 11 issue. A work group is being formed to address racial profiling outside of September 11.

MBE/WBE/LBE Advisory Committee
Report of February 6, 2002 Meeting
Commissioner Dimapilis introduced James Fields (HRC Staff) who provided the Commission with a brief report. Mr. Fields stated that the Committee accepted one new member and is in the process of recruitment. The Committee talked about the sun setting of Chapter 12.D.A., which will be in effect June 30, 2003, and that the Committee is determining what in the ordinance should remain and what should be considered for change.

Youth and Education Committee
No Report.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
Commissioner Sparks stated that there has been some publicity on the height and weight ordinance and she hoped that staff could provide an update to the Commission. Director Harmon stated that as these complaints are in process and have not been closed out, there is no way to discuss the details of either ongoing mediations or investigations. Director Harmon stated that the HRC could provide a report on the number of complaints that have been filed under that protected category since it was adopted last May.

Commissioner Sparks stated that twice, two members of the public have approached her and thanked her for the public hearing that the HRC held on the backlash since September 11.

ADJOURNMENT
The meeting was adjourned at 5:35 p.m.

NEXT MEETING

DATE: March 14, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Return to
Meetings Information

SFGov home | living | working | government | visiting | online services

© 2000-02 City & County of San Francisco. All rights reserved.

City and County of San Francisco
Human Rights Commission

March 14, 2002 Regular

DOCUMENTS DEPT.
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, March 14, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, Chair
Larry Lee, Vice Chair
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, Director

Toni A. Delgado, Commission Secretary

DISABILITY ACCESS
The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2-500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES
The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS
1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

a. Approval of minutes of January 10, 2002 Hearing
[▫Action Item Attachment provided]
b. Approval of minutes of Commission Meeting of February 28, 2002
[▫Action Item Attachment provided]

4. CIRCULATE GENERAL COMMUNICATIONS FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities
[▫Discussion Item]

7. REPORT OF THE DIRECTOR

a. Chapter 12.D.A. Waiver Report for February (Fields)
[▫Discussion Item Attachment to be provided at meeting]

b. Presentation of Chapter 12.D.A. March 2002 Quarterly and Annual Report
(Villacarlos, Wesley)
[▫Discussion Item Attachment provided]

8. DISCUSSION OF PROPOSED RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS
(Brinkin)
[▫Discussion Item Attachment to be provided at meeting]
NOTE: This item will be placed on a future agenda for possible adoption

9. HRC DIVISION REPORT

a. LGBTH Division:

i. Report on the design, construction, and opening of the Lesbian Gay Bisexual Transgender Community Center (Brinkin)
[▫Discussion Item Attachment Provided]

10. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Chair
Commissioner Theresa Sparks, Vice Chair
Committee Staff: Larry Brinkin, Ellise Nicholson

i. No Report.

NOTE: The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, March 19, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francis-co, CA 94102

b. Employment Committee
Commissioner Larry Lee, Chair
Commissioner Wilfred Hsu, Vice Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. No Report.

NOTE: The next meeting of the Employment Committee will be held on Thursday, April 4, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francis-co, CA 94102

c. Issues Committee
Commissioner Theresa Sparks, Chair
Commissioner Haig Baghdassarian, Vice Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. No Report.

NOTE: The next meeting of the Issues Committee will be held on Wednesday, April 10, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francis-co, CA 94102

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Presentation and possible adoption of letter to departments regarding efforts to achieve goals
[▫Action Item Attachment to be provided at meeting]

NOTE: The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, March 20, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francis-co, CA 94102

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley
i. Report of March 6, 2002 committee meeting
[▫Discussion Item]

NOTE: The next meeting of the Youth and Education Committee will be held on Wednesday, April 3, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francis-co, CA 94102

CLOSED SESSION
11. EXECUTIVE SESSION

a. Vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee
[▫Action Item]
b. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10 (b):

IN RE: Annual Evaluation of Interim Director Virginia Harmon for Pay-For-Performance Program

12. RECONVENE IN OPEN SESSION

a. Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[▫Action Item]
b. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[▫Action Item]

RETURN TO REGULAR BUSINESS
13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

NEXT MEETING: THURSDAY, MARCH 28, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

APR - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, March 14, 2002

DRAFT

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:45 p.m.

ROLL CALL

Commissioners Present
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu (arr. 4:49 p.m.)
Martha Knutzen
Leslie Littleton-Wilkinson (arr. 5:20 p.m.)
Antonio Salazar-Hobson (arr. 4:59 p.m.)
Theresa Sparks

Commissioners Excused
Ghada Saliba-Malouf, *Chair*
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin, James Fields, Diana Rathbone, Roel Villacarlos, and Melinda Wesley

Guests Present
Catherine Barnes, Deputy City Attorney; Paul Elizando; Mike Leong; Mehnaz Saiyed (HRC Intern); and Shannell Williams (HRC Intern)

A quorum was not present. Because no quorum was present some agenda items were taken out of order.

CIRCULATE GENERAL COMMUNICATIONS FILE

There was no general communications file.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Paul Elizando

Paul Elizando, attorney for S&S Trucking d.b.a. S.N. Sands, stated that he was following up on the de-certification of this firm. Mr. Elizando stated that since his last address to the Commission, it was his understanding that the Chair requested a report on this matter and he wanted to know the status of that report. Mr. Elizando added that he had not received any answers to the questions that he raised at the last meeting, specifically why rule 6.B.1.(b). was applied retroactively to the de-certification of S.N. Sands. Mr. Elizando stated that he received a letter from Director Harmon stating that "we are going to have an administrative hearing;" he clarified that he did not request an administrative hearing, he requested an explanation. Mr. Elizando stated that the HRC is "sandbagging" and that he received a letter from Maria Cordero (HRC Staff), dated February 28th, stating "that the letter you received regarding the de-certification contains all the explanations you are going to get." Mr. Elizando stated that there is a meeting on Monday regarding the-certification issue.

Mr. Elizando also spoke about the sun-setting of the ordinance and the changes to the ordinance. Mr. Elizando stated that he attended the M/W/LBE Committee meeting and

heard that a Trucking size standard is recommended for the ordinance and he is in full support of it.

Commissioner Hsu arrived at 4:49 p.m.
A quorum was now present.

APPROVAL OF MINUTES

Approval of minutes of January 10, 2002 Hearing

Vice-Chair Lee noted that asterisks contained in the minutes denoted mis-spelled words and or names, which are being researched.

With the forth-coming spelling corrections, the minutes of HRC/Board of Supervisors January 10, 2002 Hearing, were moved (Dimapilis), and seconded (Knutzen).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes – 6: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Sparks
Noes – 0:
Absent – 4: Saliba-Malouf, Littleton-Wilkinson, Salazar-Hobson, Ward

Approval of minutes of Commission Meeting of February 28, 2002

Commissioner Dimapilis stated the following correction to the minutes. She did not judge an art contest, she judged a speech contest.

With the above-mentioned corrections, the minutes of HRC Commission meeting of February 28, 2002, were moved (Dimapilis), and seconded (Baghdassarian).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes – 6: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Sparks
Noes – 0:
Absent – 4: Saliba-Malouf, Littleton-Wilkinson, Salazar-Hobson, Ward

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

There were no individual commissioner reports on community activities.

Commissioner Salazar-Hobson arrived at 4:59 p.m.
The quorum was not affected.

REPORT OF THE DIRECTOR

Chapter 12.D.A. Waiver Report for February

Director Harmon introduced James Fields (HRC Staff), who distributed December's 12.D.A. Waiver Report. Mr. Fields offered to answer any questions that the Commissioner's may have. There were none.

Presentation of Chapter 12.D.A. March 2002 Quarterly and Annual Report

Director Harmon introduced Roel Villacarlos (HRC Staff), Melinda Wesley (HRC Staff), and Mike Leong (HRC Statistician). Mr. Villacarlos stated that the quarterly and annual reports were submitted to the Board of Supervisors as well as the Mayor's Office. He stated that the staff will be providing a PowerPoint presentation which correspond to the appendices of the annual report. Ms. Wesley stated that the report focused on three areas: the overall picture of how the city departments are utilizing the MBE's and WBE's based on the Mayor's 2000-01 goals; the overall performance of utiling the MBE's and WBE's for the fiscal years of 1999, 2000, and 2001; and the City's performance of utilizing the MBE's and WBE's based on the ethnicity's that are certified by the Human Rights Commission.

Ms. Wesley stated that the HRC concludes that the departments need to re-commit to entering complete and accurate data into the diversity tracking system. The lack of information directly affects the analysis. The numbers presented in the report indicate that there is a continued need for this program, along with renewed efforts to utilize MBE and WBE firms from the departments.

Summary provided (see Appendix A). PowerPoint presentation (see Appendix B).

DISCUSSION OF PROPOSED RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS

Larry Brinkin (HRC Staff), stated that the HRC is working on bringing about consistently in the complaint handling process at the Commission by way of four tracks. The first is the development of the Rules of Procedure which will allow that Commissioners, HRC Staff, and the public know what procedures are used to handle and process discrimination complaints. The Rules of Procedure are nearly ready and will require a Commission vote. Mr. Brinkin stated that the HRC will be mailing a draft copy to the Commissioner's before the next meeting for their review. The second track is the development of a complaint handling manual for staff. This manual will not require a Commission vote, but will require approval from the Director. This manual is also nearly completed. Once the manual is completed, Mr. Brinkin stated that a presentation will be made to the Commission. The third track is the development of a complaints database which will contain much more demographic information and also reflect a truer picture of the types of complaints, the industries, et cetera, that are received by the HRC. The fourth track will be an intensive training for all staff encompassing each of the above-mentioned developments.

HRC DIVISION REPORT

LGBTH Division

Report on the design, construction, and opening of the Lesbian Gay Bisexual Transgender Community Center

Mr. Brinkin stated that the creation of this Center has been many years in the making. The Center had it's grand opening in the last couple of weeks. Mr. Brinkin stated that the LGBT Advisory Committee has been very involved with this project right from the beginning. Mr. Brinkin invited the Commissioner's to a tour of the Center on March 19th at 5:30 p.m.

Oren Slozberg, Interim Director of the LGBT Community Center stated that this project began in 1992 and the non-profit was incorporated in 1995. The ground breaking was in 1999 and Mr. Slozberg introduced the architects.

Peter W. Pfau and S. Jane Cee, architects, thanked James Fields (HRC Staff) for his help with this project. Ms. Cee stated that her firm is a M/W/LBE, as well as lesbian-owned. The team between her firm and Mr. Pfau's was selected out of fifty other architecture teams. Ms. Cee stated that the site is on the corners of Octavia, Market and Waller streets. The Center is joined with the Victorian (adjacent building) and retrofitting including bringing the Victorian building to up to full ADA code and make it seismically updated. Ms. Cee stated that there was much work that went into keeping the old Victorian instead of demolishing it, and it is not a San Francisco historical landmark. Ms. Cee showed the Commissioners floor plans of the building, and explained that there are many different age groups and community groups that are utilizing the office spaces available in the building.

Commissioner Knutzen congratulated the work of HRC Staff, James Fields, and the whole community for envisioning this building.

Commissioner Hsu congratulated Peter and Jane for a job well done and added that it is a very significant building for the neighborhood. He stated that he toured the building last week and it is a wonderful space.

Oren Slozberg continued, stated that the Center has provided offices for a diverse community of non-profit organizations. Another unique feature of the building is a memorial for the survivors of psychiatric abuse, for those who are being institutionalize because of their sexual or gender identity.

Commissioner Littleton-Wilkinson arrived at 5:20 p.m.
The quorum was not affected.

James Fields (HRC Staff), introduced the joint venture partners of Fineline Construction, Doree Friedman and Nikee Mawagev. Ms. Friedman stated that the joint ventures had not only minority and woman goals, but also an LGBT goal which was informal, but still encouraged. Approximately fifty percent of Fineline's hours were LGBT hours which was a remarkable achievement in the construction industry. Outreach was key and the other goals were exceeded. Ms. Friedman stated that wedding the two buildings was the most difficult challenge of the project.

Commissioner Knutzen asked why the building was painted blue. Mr. Pfau stated that the colors were chosen by committee. The goal of the architects and the community was to produce a building that created excitement, not just a background building. Mr. Pfau felt that the colors truly communicated the energy and excitement of the Center.

Larry Brinkin (HRC Staff) stated that he is very proud of this building and everything that it brings to not only the LGBT community, but also what it brings to San Francisco.

Mr. Fields added that Michael Simmons, the Project Manager for this project is an African American contractor, who unfortunately could not be here for this presentation because he

moved to Los Angeles. Mr. Fields noted that each of the contractors involved with the creation of this Center are HRC certified firms.

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee
No Report.

Employment Committee
No Report.

Issues Committee
No Report.

MBE/WBE/LBE Advisory Committee
Presentation and possible adoption of letter to departments regarding efforts to achieve goals
James Fields (HRC Staff) stated that the M/W/LBE Advisory Committee met February 20th where one of the recommended actions was to present to the Commission a letter for approval. The letter requests those underachieving departments to present to the Commission their plan to meet the City wide goals.

The adoption of letter to departments regarding efforts to achieve goals was moved (Dimapilis), and seconded (Littleton-Wilkinson).

Commissioner Sparks asked if the departments are not meeting the goals, or just not entering the information into the tracking system. Mr. Fields stated that it is a combination of both. Most of the larger departments are aware of the system and the reporting requirements, but some of the smaller departments may not know or may not have access to the diversity tracking system.

The motion to adopt the letter CARRIED by the following vote:

Ayes – 8: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Littleton-Wilkinson, Salazar-Hobson, Sparks
Noes – 0:
Absent – 2: Saliba-Malouf, Ward

Youth and Education Committee
Report of March 6, 2002 Committee Meeting
Roel Villacarlos stated that the Committee is having problems with a quorum for the Committee and has been making a concerted effort to recruit.

Commissioner Baghdassarian asked if the Committee is still actively recruiting. Mr. Villacarlos stated that a letter of interest to Melinda Wesley (HRC Staff) for consideration.

EXECUTIVE SESSION

Vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee

A vote on whether to hold closed session to confer with Legal Counsel to evaluate a City employee was moved (Baghdassarian) and seconded (Dimapilis).

The motion to hold closed session CARRIED by the following vote:

Ayes – 8: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Littleton-Wilkinson, Salazar-Hobson, Sparks
Noes – 0:
Absent – 2: Saliba-Malouf, Ward

Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

The Commission went into closed session 5:48 p.m.

RECONVENE IN OPEN SESSION

The Commission reconvened in open session at 6:11 p.m.

Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

There were no actions to report.

Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

A vote on whether to not disclose any or all executive session discussions was moved (Knutzen) and seconded (Littleton-Wilkinson).

The motion to not disclose any or all executive session discussions CARRIED by the following vote:

Ayes – 8: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Littleton-Wilkinson, Salazar-Hobson, Sparks
Noes – 0:
Absent – 2: Saliba-Malouf, Ward

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

Vice-Chair Lee asked that staff, on behalf of the Commission, send a letter to the National Guard to thank them for securing our structures, bridges, and airports. Director Harmon stated that she would discuss the issue with Chair Saliba-Malouf.

Commissioner Littleton-Wilkinson asked if she could have an update on the racial profiling issue. Director Harmon stated that that topic has been assigned to the Issues Committee and she anticipates future reports on this topic from the Committee.

Commissioner Salazar-Hobson stated that a report was released on March 10th, which covered the six month anniversary of September 11th. Commissioner Salazar-Hobson stated that domestic partners who lost loved ones in the tragedy were not eligible for compensation and he felt that the HRC could help advocate the financial assistance and bereavement is appropriately shared. Commissioner Knutzen stated that the LGBT Advisory Committee could take this issue on.

ADJOURNMENT
The meeting was adjourned at 6:16 p.m.

NEXT MEETING

DATE: March 28, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

APPENDIX A - *Referenced on page 4*

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

To: Chair Ghada Saliba-Malouf and Members of the Human Rights Commission

From: James Fields
Melinda Wesley

Date: March 14, 2002

Subject: February Waiver Log

Per your request, please find those waivers granted and those denied during the month of February including an outline of each waiver request and basis for its determination.

No. 1 SOLE SOURCE Muni requested a sole source waiver for Clean Air Vehicle Technology Center (CAVTC) to perform heavy-duty emission testing as required by Muni's Alternative Fuel Program.

This waiver was granted because CAVTC is one of six heavy-duty chassis dynamometers, capable of measuring exhaust emissions, in the country. Muni must take eight buses to the dynamometer for testing. CAVTC is located in Richmond, California. The next closest testing sites are in Los Angeles, California and Phoenix, Arizona. The Los Angeles location is controlled by the California Air Resources Board, and is used exclusively for CARB's purposes.

NO. 2 SOLE SOURCE DPH requested a renewal of the sole source waiver for UCSF Office of Research Affairs to evaluate planning grant activities and to provide training and technical assistance to community outreach workers/planners and other project participants.

This waiver was granted because the contract is awarded as mandated by the Centers for Disease Control and Prevention, the funder of this project.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

NO. 3 SOLE SOURCE DPH requested a sole source waiver for UCSF to collaborate with the Department's HIV Sero-Epidemiology and Surveillance Unit for a research project that will

APPENDIX A - *Referenced on page 4*

provide for the strengthening of HIV prevention through behavioral risk data, a HIV seroincidence study and a gay men health study.

This waiver was granted because the contract is awarded as mandated by the Centers for Disease Control and Prevention, the funder of this project.

NO. 4 SOLE SOURCE DPH requested a sole source waiver for UCSF to collaborate with the Department's HIV Sero-Epidemiology and Surveillance Unit for a research project that will provide for an Asian Pacific Islander- Young Men's Survey and evaluate recent HIV seroconversions.

This waiver was granted because the contract is awarded as mandated by the Centers for Disease Control and Prevention, the funder of this project.

NO. 5 SOLE SOURCE DPH requested a sole source waiver for UCSF's AIDS Prevention Studies to collaborate with the Department's STD Control and Prevention for a randomized, controlled trial to include risk reduction counseling, single session group workshops, follow-up HIV positive counseling, and program evaluation for women and men at least 15 years and older, who speak English or Spanish.

This waiver was granted because the contract was awarded as mandated by the Centers for Disease Control and Prevention, the funder of this project.

NO. 6 SOLE SOURCE DPH requested a sole source waiver for Mount Zion Center to provide mobile mammography services to women throughout the City.

This waiver was granted because the contract is awarded as mandated by the State of California, Department of Health Services.

NO. 7 SOLE SOURCE DPH requested a sole source waiver for UC Berkeley to provide a San Francisco resident behavioral risk factor telephone survey.

This waiver was granted because the contract is awarded as mandated by the State of California Office of AIDS, the funder for the project.

NO. 8 SOLE SOURCE DPH requested a sole source waiver for UCSF for HIV health services that will provide outreach, HIV treatment, and advocacy services to their men of color program.

This waiver was granted because the contract is awarded as mandated by the Federal Office of Minority Health, the funder of the project.

NO. 9 SOLE SOURCE DPH requested a sole source waiver for UCSF to provide outreach, treatment and advocacy services to women with HIV.

This waiver was granted because the contract us awarded as mandated by the Federal Office of Minority Health Services.

APPENDIX A - *Referenced on page 4*

NO. 10 SOLE SOURCE Muni requested a sole source waiver to Community Against Violence (CUAV) to provide sensitivity training for their drivers.

This waiver was denied because CUAV does not meet the "sole source" criteria to provide sensitivity training to the Muni drivers regarding fair treatment to riders from the LGBT community. This contract should be publicly bid.

NO. 11 SOLE SOURCE Department of Elections requested a sole source waiver for Sequoia Voting Systems (SVS) to continue to provide ballot-printing services.

This waiver was denied because a formal bidding process already occurred. Therefore, no waiver is needed. The original contract between DE and the SVS provides an option to renew through July 31, 2003.

NO. 12 SOLE SOURCE Department of Telecommunications and Information Services requested a sole source waiver for Savvy, Inc. to continue to develop a Membership Accounting System for the Retirement System.

This waiver was denied because this waiver request should be a notification to HRC of a contract amendment. This notification should be processed on a HRC Form 10.

NO. 13 SOLE SOURCE Public Health requested a sole source waiver for the AIDS Community Research Consortium (ACRC) to provide treatment advocacy/adherence and outreach services to HIV-positive Latinos/as.

This waiver was granted because ACRC was the only agency to respond (to perform the San Mateo County portion of this project), as mandated by the Congressional Black Caucus, the funder of this project.

NO. 14 SOLE SOURCE DPW requested a sole source waiver for VanWrite to provide required technical writing services to their interested engineers and architects.

This waiver was granted because VanWrite holds the proprietary licenses to all the materials used in this training program. The waiver was originally granted in Fall 2001.

APPENDIX B - *Referenced on page 4*

Diversity Tracking ystem Annual Report

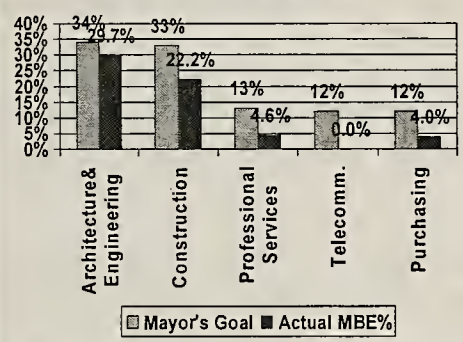
March 1, 2002

Table of Slides

- Mayor's M/WBE Goals
  - 3. MBE
  - 4. WBE
- Award by Fiscal Year
  - 5. Construction
  - 6. Architecture & Engineering
  - 7. Professional Services
  - 8. Purchasing
  - 9. Telecommunications
- Prime Award by Certified Ethnicity
  - 10. Construction
  - 11. Architecture & Engineering
  - 12. Professional Services
  - 13. Purchasing
  - 14. Telecommunications
- Sub Award by Certified Ethnicity
  - 15. Construction
  - 16. Architecture & Engineering
  - 17. Professional Services

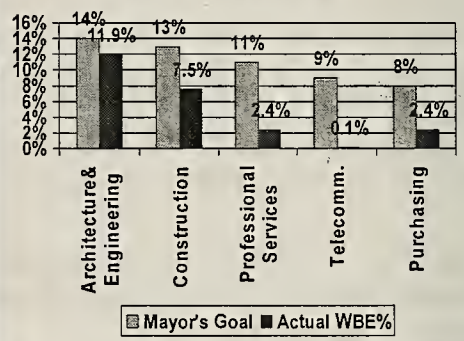
2

Departmental Progress towards meeting Mayor's MBE Goals



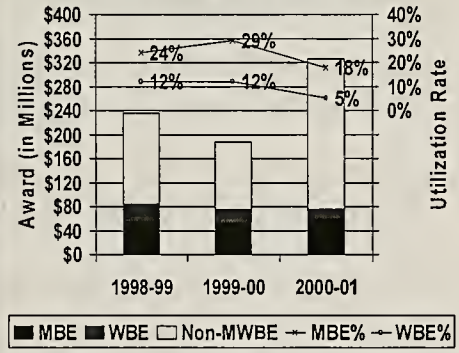
3

Departmental Progress towards meeting Mayor's WBE Goals



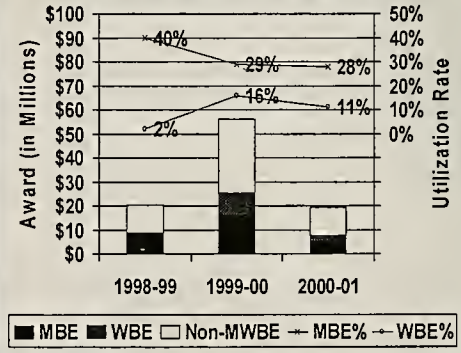
4

MWBE% in Construction Award Amount by Fiscal Year



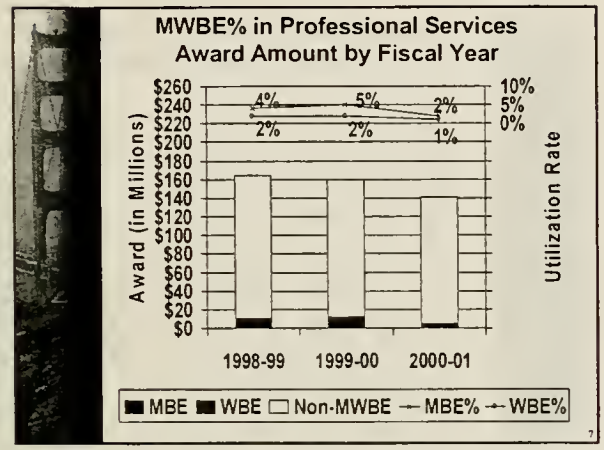
5

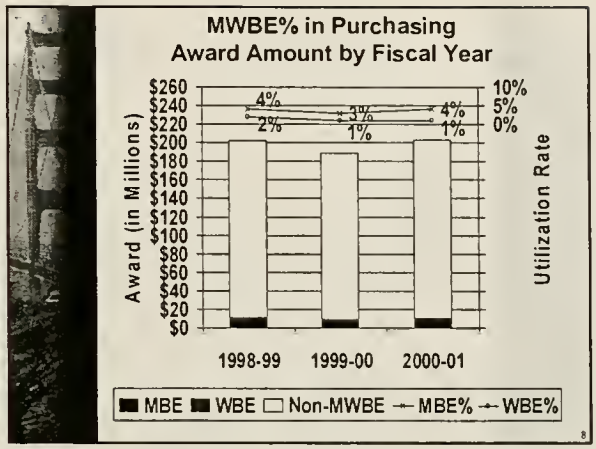
MWBE% in Architecture & Engineering Award Amount by Fiscal Year

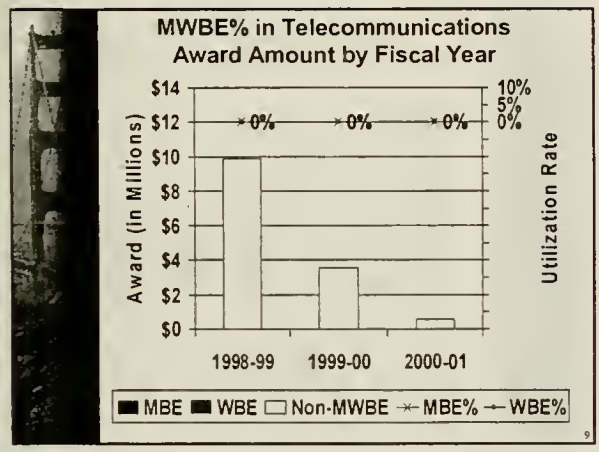


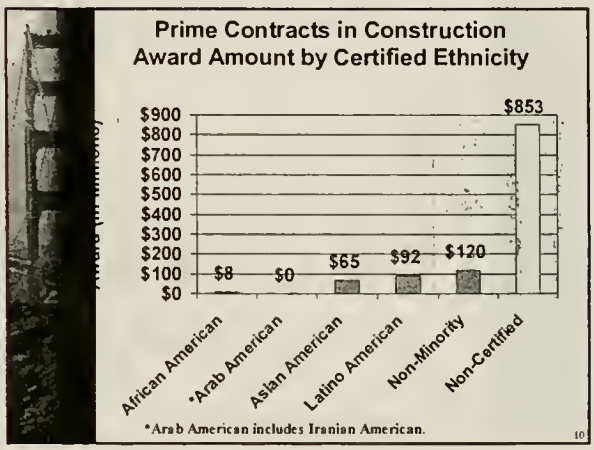
6

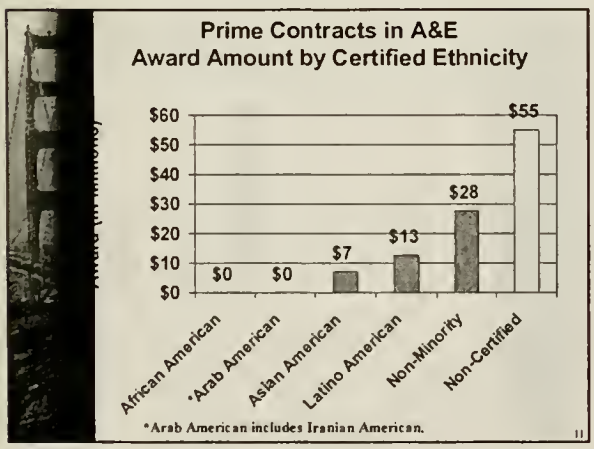
APPENDIX B - *Referenced on page 4*



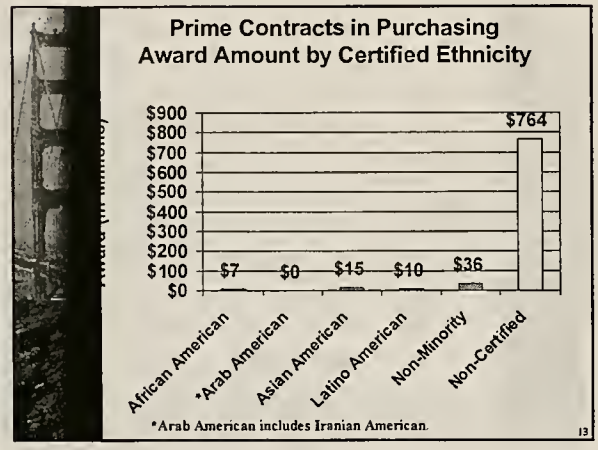


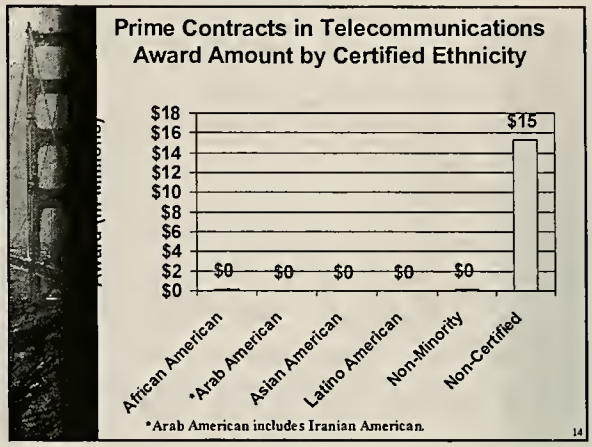


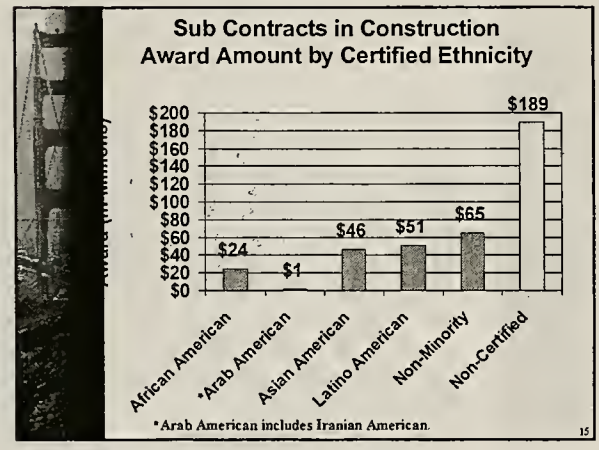


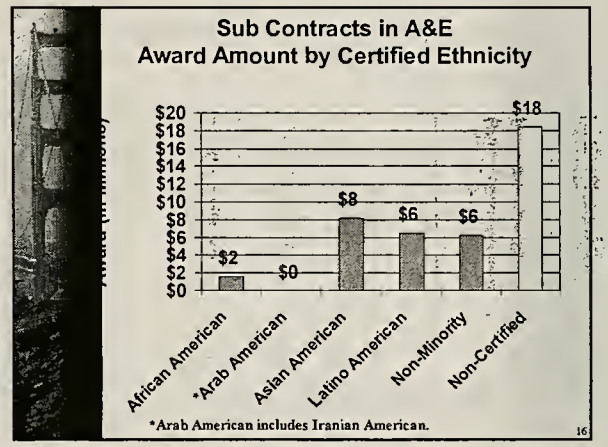


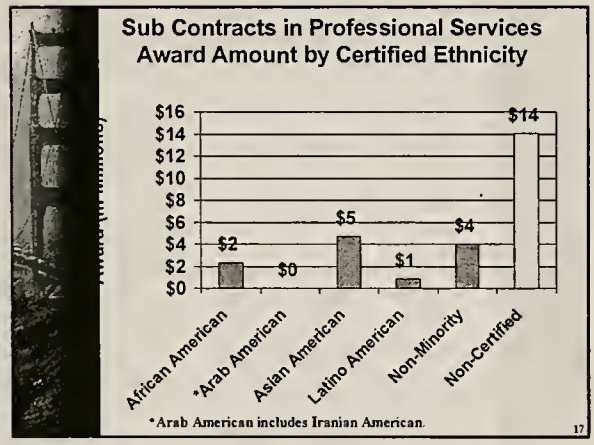
APPENDIX B - *Referenced on page 4*

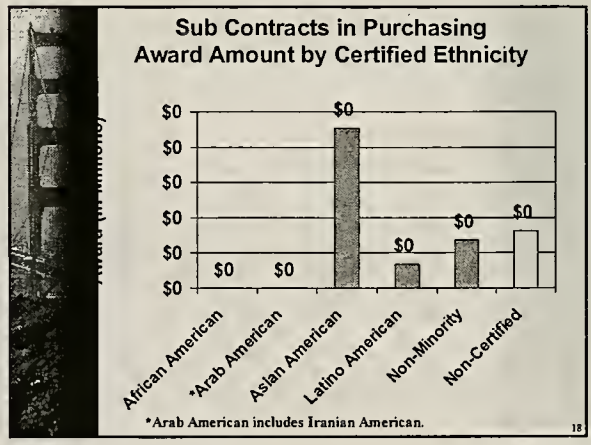




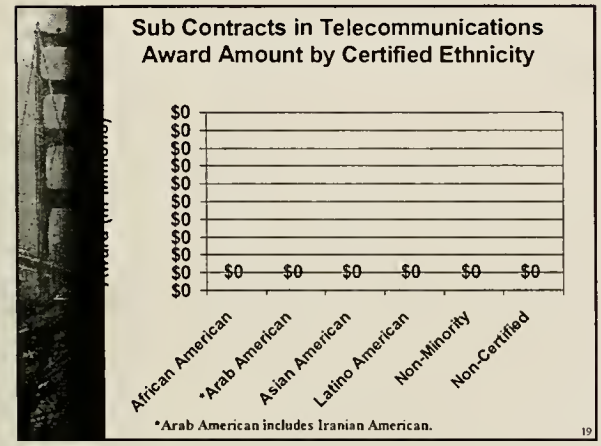








APPENDIX B - *Referenced on page 4*



City and County of San Francisco
Human Rights Commission

March 28, 2002

Regular Meeting Agenda
Thursday, March 28, 2002

4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
MAR 10 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

a. Approval of minutes of Commission Meeting of March 14, 2002

[-Action Item *Attachment provided*]

4. CIRCULATE GENERAL COMMUNICATIONS FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[-Discussion Item]

7. REPORT OF THE DIRECTOR

a. Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color (Jones, Aseron, Delgado)

[-Discussion Item]

8. DISCUSSION OF OUTREACH AND UPDATE ON WORK OF HRC CERTIFICATION UNIT (Cordero)

[-Discussion Item]

9. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Martha Knutzen, Chair

Commissioner Theresa Sparks, Vice Chair

Committee Staff: Larry Brinkin, Ellise Nicholson

i. Report of March 19, 2002 Committee Meeting

[-Discussion Item]

NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, April 16, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b. Employment Committee

Commissioner Larry Lee, Chair

Commissioner Wilfred Hsu, Vice Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of March 7, 2002 Committee Meeting

[-Discussion Item]

ii. Possible adoption of letter urging Department of Transportation support for SB 1829 (Sen. Feinstein) amending the Aviation and Transportation Security Act, ("ATSA") to speed the naturalization process and authorize transitional employment for non-citizen airport security screeners legally in the United States.

[-Action Item *Attachment to be provided at meeting*]

NOTE: *The next meeting of the Employment Committee will be held on Thursday, April 4, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee

Commissioner Theresa Sparks, Chair

Commissioner Haig Baghdassarian, Vice Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of March 13, 2002 Committee Meeting

[-Discussion Item]

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, April 10, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee

Commissioner Shirley Dimapilis

Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of March 20, 2002 Committee Meeting

[-Discussion Item]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, April 17, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee

Commissioner Shirley Dimapilis, Chair

Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. No Report.

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, April 3, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

10. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

11. ADJOURNMENT

NEXT MEETING: THURSDAY, APRIL 11, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416,

San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco
Human Rights Commission

March 28, 2002

Minutes
Regular Meeting
Thursday, March 28, 2002

Approved 04-25-02

DOCUMENTS DEPT.
MAR 10 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:39 p.m.

ROLL CALL

Commissioners Present
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Martha Knutzen

Commissioners Excused
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Theresa Sparks
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Lome Aseron, Larry Brinkin, Emil deGuzman, Ed Ilumin, Diana Rathbone, and Mary Gin Starkweather

Guests Present
Catherine Barnes, Deputy City Attorney; Kevin Cashman (SFPD) Liz Jackson-Simpson

(YGC); Mehnaz Saiyed (HRC Intern); Keith Sanford (SFPD); Anthony Valdez (Youth Commission); and Chief Jessie Williams (YGC)

A quorum was not present. The following discussion took place.

APPROVAL OF MINUTES

Approval of minutes of March 14, 2002 Commission Meeting

Because a quorum was not present, the approval of minutes of commission meeting of March 14, 2002 were continued for the next Commission meeting.

CIRCULATE GENERAL COMMUNICATIONS FILE

There was no general communications file.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Chair Saliba-Malouf noted that the Mayor has re-appointed both Commissioner Dimapilis and herself to four-year terms (applause).

DISCUSSION OF OUTREACH AND UPDATE ON WORK OF HRC CERTIFICATION UNIT

Maria Cordero (HRC Staff) congratulated Commissioners Dimapilis and Saliba-Malouf. Ms. Cordero stated that since November of last year, the HRC has met with City departments every other month to discuss available bidding opportunities. The HRC offered two workshops, one covering how to become HRC certified and the other pertaining to what to do after your business is HRC certified, i.e., how to bid on projects, how to complete forms, how the HRC sets goals on contracts, et cetera.

Chair Saliba-Malouf asked how many people attended the training and Ms. Cordero stated that it was standing room only at the HRC Office conference room. Chair Saliba-Malouf asked about the type and direction of outreach and Ms. Cordero stated that all communities were outreached, but the 26th outreach has targeted the LGBT community. Additionally, many community-based organizations have asked Ms. Cordero to provide them with a personalized training.

Chair Saliba-Malouf stated that she was happy that the community has been involved and participation has been high. Ms. Cordero stated that newly certified firms also receive a mailing about these programs. Ms. Cordero stated that many firms have been interested in the bonding program and the HRC has been receiving a lot of applications. This training has provided much information about the services that the City provides. Director Harmon added that if there are needs for outreach within the business community that the HRC hasn't already outreached, please let us know so that we may set up targeted outreach. Ms. Cordero stated that on August the 26th, the HRC will be offering a training at the LGBT Community Center on Market Street. This training will cover how to become certified and how to work with the City.

REPORT OF THE DIRECTOR

Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color

Director Harmon introduced Toni Delgado (HRC Staff). Ms. Delgado stated that in the community hearings, the community directly asked for City departments to work together to target the problems and proactive solutions regarding violence in our neighborhoods. Ms. Delgado stated that the HRC has contacted many department heads, shared with them the community recommendations, and asked some of them to present to the Commission with their work, future goals, and solutions regarding this problem. Ms. Delgado then introduced members from the Youth Commission.

Anthony Valdez, Chair of the San Francisco Youth Commission, stated that the Youth Commission is apprised of seventeen youth from San Francisco aged 12 to 23, six of whom are appointed by the Mayor, eleven who are appointed by the Board of Supervisors. Mr. Valdez stated that the Youth Commission serves as an advisory to the Board of Supervisors regarding youth issues, and serves as a liaison between the youth and City Hall. Mr. Valdez handed out a copy of last year's Annual Report, a Youth Recognition Day pamphlet, and a palm card, which is passed out to the youth in the community. Mr. Valdez stated that, congruent with the community recommendations, the Youth Commission's Positive Youth Recognition Day, where positive and excelling youth are annually recognized publicly and by each Supervisor of the Board. This has also been recognized with a formal resolution. Mr. Valdez stated that the annual report covers the issues that the Youth Commission has worked on in the past year, but this year, another important goal for the Commission is to work on is gang/youth violence.

Chair Saliba-Malouf stated that the HRC has a Youth and Education Committee and hopes that our Committee works closely with the Youth Commission in the future.

Ms. Delgado then introduced Keith Sanford from the San Francisco Police Department. Captain Sanford with the SFPD Field Operations Bureau discussed a citywide mentorship program implemented by the SFPD, targeting at-risk youth and adults, career criminals and school violence and drugs. This is a proactive program benefiting the overall community. Captain Sanford distributed materials that outline the Police Athletic League, Operation Dream Program, the Fishing Program and the Cadet Program. The SFPD also works with the Law Enforcement Youth Special Olympics and the "Wish Upon a Star" program, which works with terminally ill children.

Captain Sanford stated that these programs were established to provide a non-threatening environment for at-risk youth and adults to interact with police officers. Each of the ten district police stations have these programs to utilize to facilitate their needs and establish a strong rapport with their community. The programs are run by community volunteers, police volunteers, and through public and private sponsorships. The "Cease Fire" program targets violent and non-violent criminals who meet with the SFPD and the Mayor's Office to discuss violent crime issues and resolutions. These meetings have resulted in a reduction in violent crimes in San Francisco. The SFPD also works with school administrators, student and parents, to establish communication and deal with issues of drugs and violence in our schools. For the past three years the SFPD has implemented a "School Resource Officers" (SRO) program whereby part time officers are assigned to schools to be present, accessible and assist the school administrator with daily operations. "Project Alert" deals with alcohol, tobacco and drugs and a new program being implemented next month will provide an anti-violence curriculum. These programs have improved relationships and provided positive mentorship between schools, parents, staff, students and law enforcement.

Ms. Delgado then introduced Chief Jessie Williams and Ms. Elizabeth Jackson-Simpson from the Youth Guidance Center (YGC). Chief Williams, Chief Juvenile Probation Officer for the City and County of San Francisco, thanked the HRC for the opportunity to make a presentation and wanted to share good news in response to the issues that were raised and identified in the "Violence in Our City" report. Chief Williams stated that the Juvenile Probation Department manages or contracts numerous programs and services that are directly responsive to the kinds of issues that generate violence in our City. Chief Williams stated that YGC works very closely with young people and a strong network of community service providers. Chief Williams then introduced Ms. Elizabeth Jackson-Simpson, Director of Community Programs Division for the Juvenile Probation Department.

Ms. Jackson-Simpson, stated that she is so glad that other people are as enthused about assisting young people as her department is. Ms. Jackson-Simpson stated that under the direction of Chief Williams, the Community Programs Division has grown exponentially and these resources have provided many prevention, intervention, and suppression services for young people and their families. Ms. Jackson-Simpson stated that there are many intervention and prevention services. The Community Programs Division offers anger management courses; a "Street Law" program, teaching youth who have been involved with the juvenile justice system about their rights; a parenting class, teaching parents how work with children who they believe are out of control or beyond parental control, and how to work with a child who might be engaged with the juvenile justice system. Ms. Jackson-Simpson stated that the Community Programs Division also offers a number of mentoring programs as well as a gender specific program called "Come Into the Sun" for women, in collaboration with the YWCA. All of the programs cultivate positive youth development, principles, and practices, offering safe places for young people to connect with caring adults.

Ms. Jackson-Simpson stated that in response to the community recommendation "instilling high achievement and civic engagement", the YGC has a number of programs including the "Green Team", getting youth involved with community beautification projects; a GED completion program; and a venture between the Superior Court and the department called YTEC which works with youth with mental health and substance abuse challenges. Another program called the "Roberson-Rivera Academy" is a middle school program in Bayview/Hunters Point that provides repeat offenders advice on how not to recidivate and also provides early interventions for young people.

In the Violence Task List, the HRC asked what the YGC was doing in response to community involvement in the lives of young people. Ms. Jackson-Simpson stated that over the years the YGC has sponsored and continued to collaborate with the eight beacon centers, located in schools, in some of the more disenfranchised communities. This program deals with issues such as educational enrichment, leadership development, arts and education, health and career development.

Ms. Jackson-Simpson stated that the department offers two detention facilities, one is Juvenile Hall, and the other long-term facility is located in La Honda, called Log Cabin Ranch. At Log Cabin, a student council is in place, which provides continued input and feedback on the caliber and kinds of services they are interested in. The department offers vocational training programs, a youth owned and operated business called "Juvi Java", as well as a beginning to advanced computer literacy program.

Ms. Jackson-Simpson feels that everything the department does speaks to the need for programs to assist ex-offenders with reintegration into society. In the upcoming year, the department will be working on two initiatives: The "Juvenile Justice Initiative"--how to reduce disproportionate minority confinement in the YGC, risk assessment, and pre- and post-adjudicated programs; and the "Gang Free

Communities Initiative", which is a researched based initiative, providing a more systemic approach to resolving the issues that plague our young people and families in San Francisco.

Ms. Jackson-Simpson concluded, adding that she was proud that other City departments are concerned about these issues. She suggested a repository for all of this information, including city programs, CBO programs, and private programs, so that we all know what programs are available, where the gaps in services exists, eliminate duplication in services, and proper allocation of services and resources.

Ms. Delgado stated that one of the recommendations of the "Violence" report was to address the supply of street level drugs as well as protection for those who report crimes in their neighborhoods. She then introduced Commanding Captain Kevin Cashman of the San Francisco Police Department, Vice, Crimes, and Narcotics Division.

Captain Cashman stated that the SFPD is committed to community policing with regard to the level of enforcement of street level drug dealing. He stated that there are two proactive ways for dealing with drug dealing, one is called a "Buy-Bust Operation", where undercover police officers attempt to buy narcotics from street level dealers and the other is "Observed Sales", where officers will watch a neighborhood or corner block though binoculars and observe deals. The Buy-Bust and Observed Sales operation goal is not to incarcerate everybody, but rather curb the activity, and afford `buyers' drug abuse treatment. Captain Cashman also noted that the SFPD is aggressively targeting drug dealing near schools, which if caught doing so, can add additional incarceration time.

Commissioners Knutzen and Lee thanked Captain Cashman for his detailed report.

Ms. Delgado thanked all of the individuals and departments who came to present today and added that more presentations are scheduled for the future, as well action items.

COMMITTEE REPORTS

Vice Chair Lee continued the committee reports for the next meeting.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

No discussion.

ADJOURNMENT

The discussion ended at 5:55 p.m.

NEXT MEETING

DATE: April 25, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416

San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon

Director

By: Toni A. Delgado

Commission Secretary

** NOTE: If you are viewing these minutes in electronic form - If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, April 11, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton-Wilkinson

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.

APR - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   a. Approval of minutes of Commission Meeting of March 14, 2002
   [➲Action Item *Attachment provided*]
   b. Approval of minutes of Commission Meeting of March 28, 2002
   [➲Action Item *Attachment to be provided at meeting*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
   [◎Discussion Item]
   b. Approve submission of chapter entitled *"Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001"* for civil liberties book.
   [➲Action Item *Attachment provided*]

7. REPORT OF THE DIRECTOR

   a. Chapter 12.D.A. Waiver Report for March (Fields)
   [◎Discussion Item *Attachment to be provided at meeting*]
   b. Report on California Industrial Hygiene Services, Inc. (CIH) Decision of Hearing Officer (Cordero)
   [◎Discussion Item *Decision Attached*]
   c. Appointment of hearing officer to appeal the Director's March 21, 2002 decision, finding Landavazo Bros. in willful non-compliance with Chapter 12.D.A. of the San Francisco Administrative Code
   [➲Action Item]

8. REVIEW OF RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS
[◎Discussion Item *Attachment to be provided at meeting*]

9. HRC DIVISION REPORT
   a. Employment, Housing, and Public Accommodations Division:
      i. Report on April: Fair Housing Month (Ilumin)
      [◎Discussion Item]

10. COMMITTEE REPORTS

   a. Lesbian Gay Bisexual Transgender Advisory Committee
   Commissioner Martha Knutzen, Chair
   Commissioner Theresa Sparks, Vice Chair
   Committee Staff: Larry Brinkin, Ellise Nicholson

      i. No Report.

      NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, April 16, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   b. Employment Committee
   Commissioner Larry Lee, Chair
   Commissioner Wilfred Hsu, Vice Chair
   Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

      i. Report of March 7, 2002 Committee Meeting
      [◎Discussion Item]
      ii. Report of April 4, 2002 Committee Meeting
      [◎Discussion Item]
      iii. Possible adoption of letter urging Department of Transportation support for SB 1829 (Sen. Feinstein) amending the Aviation and Transportation Security Act, ("ATSA") to speed the naturalization process and authorize transitional employment for non-citizen airport security screeners legally in the United States.
      [➲Action Item *Attachment provided*]

      NOTE: *The next meeting of the Employment Committee will be held on Thursday, May 2, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee
Commissioner Theresa Sparks, Chair
Commissioner Haig Baghdassarian, Vice Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of March 13, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, April 10, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of March 20, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, April 17, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. Report of April 2, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, May 1, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

11. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

12. ADJOURNMENT

NEXT MEETING: THURSDAY, APRIL 25, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

The September 11th attacks have affected many San Francisco residents, especially Arab Americans, Muslims, people of Middle Eastern descent and those perceived as Middle Eastern. Several incidents of discrimination were reported to local officials. The San Francisco Human Rights Commission (HRC) is the City department established in 1964 to help resolve inter-group tensions and now enforces the City's anti-discrimination ordinances. The HRC immediately addressed the backlash many of the City's residents were experiencing.

On September 13, 2001, at a regularly scheduled meeting, the HRC through an emergency agendized item discussed the backlash issue and unanimously adopted a resolution entitled, "Policy Statement on Discrimination Against Arab Americans, Muslim Americans and People of Middle Eastern Descent." After the meeting, HRC published a "Help Stop Hate Crimes" brochure and circulated it throughout the City. The brochure defines hate crimes and provides a list of City and community resources available to those experiencing discrimination.

On January 10, 2002, the HRC and the San Francisco Board of Supervisors' Social Policy Committee held a joint hearing entitled, "Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001." The hearing sought testimony from Arab Americans, Muslims, people of Middle Eastern descent and those perceived as Middle Eastern. City Hall legislative chambers were packed with members of the public; elected officials; news reporters; journalists; and representatives from city departments, state and federal agencies. Representatives from organizations such as the ACLU, INS Watch, Lawyers Committee for Civil Rights, South Asian Bar Association of Northern California, National Lawyers Guild, Intergroup Clearinghouse, Islamic Networks Inc., and the Arab American Attorney Association were also present to share accounts of discrimination from the people they serve.

The testimony included numerous first-person accounts of discrimination. Individuals testified about arbitrary airport security checks, store vandalism, death threats, and other forms of harassment. There were also complaints of discrimination in the employment, retail, housing, and education sectors. The following accounts are examples of the discrimination Arab Americans, Muslims, people of Middle Eastern descent and those perceived as Middle Eastern have been facing.

The first account involved a Yemeni man of Muslim faith who became a U.S. citizen in 1996. The following information comes from his testimony at the hearing as well as an interview with a HRC employment discrimination compliance officer. He alleged that he suffered discrimination and retaliation by his former employer. At the hearing, he testified that he had worked as a janitor for a building maintenance company for over a year. Before September 11, 2001, he was harassed and threatened because of his Muslim beliefs and practices. The harassment caused him such severe stress that by midsummer he felt he had no alternative but to quit his job. He then filed a police report because of the threats. He also filed discrimination complaints with the Department of Fair Employment and Housing, the Labor Relations Board, and the Equal Employment Opportunity Commission.

On October 1, 2001, The Muslim Yemeni American received a visit from a FBI agent who questioned him about his religion and Osama bin Laden. The agent showed him a list that contained three names and asked if he recognized any of the names. They were people who worked for his former employer. The agent stated that the three had contacted the FBI and said that the former Yemeni employee was a "terrorist." He told the agent that he was being retaliated against because he filed the discrimination complaints. The Yemeni man showed the agent copies of his complaints. The whole ordeal had made him more afraid and he started having difficulty breathing. The agent asked him to step outside for some fresh air, but he was too scared. He refused to leave his apartment for two days. This man is the sole provider for his wife and five children who still reside in Yemen. He has been afraid to tell

his family of the harassment because he knows it will upset them. He later filed a complaint of retaliation with the HRC.

Another account of discrimination and harassment reported at the hearing involved an Arab American man of Palestinian descent who alleged that he suffered retail discrimination and police harassment. The following comes from his testimony at the hearing and information he provided to the HRC. He testified that on September 29, 2001, he went to a well-known coffeehouse to get a cup of coffee. He was the sixth person in line and when it was his turn to be served, a white male employee turned his back on him and walked away. He asked for a cup of coffee several times. Instead of assisting him, the employee gave him a disgusted facial expression. He asked the employee about the expression, but the employee failed to respond. Another employee turned to the Palestinian man and said "You can't talk to my partner like that, we are not going to serve you coffee." This employee asked him to leave three times.

At this point, the Palestinian man demanded to speak to the manager. The manager was a white female and told him that he should leave the store because he was not speaking appropriately to her employees. She refused to hear his side of the story and he asked her if there was a video camera in the store so that she could see for herself what happened. She refused this request as well. Again, he stated that all he wanted was a cup of coffee. She told him that he was not getting a cup of coffee and that he had to leave.

Frustrated, the Palestinian man asked her to call the police or give him a cup of coffee. Within minutes, two white male police officers arrived at the coffeehouse and immediately grabbed him, took him outside, and searched him. The first officer asked him where his gun and knife were located. The same officer also asked him why he had large sums of money in his pockets. He explained that he was a taxi cab driver. The officer then asked for his identification and ran a check on him. He told the officer he was very upset about the treatment he received from the officer and that the officer should have heard both sides of the story before dragging him outside and treating him like a criminal. He asked if he could make a report of discrimination against the coffeehouse and the police department. He also asked for the officers' badge numbers. The first officer told the second officer to write him a ticket for double parking and that this was the officer's response to the Palestinian man's request for their badge numbers. The second officer tried to calm the Palestinian man and stated that his partner was just mad. He told the second officer that that all he wanted was a cup of coffee, that he was the one that requested police assistance, and that he should not have been dragged around like an animal.

Aside from harassment in employment and public accommodations, some of the most widely publicized discrimination in San Francisco targeted Arab-American owned businesses. One Arab-American merchant in a middle-class neighborhood had a brick thrown through his window and shortly thereafter was forced out of business entirely. This shopkeeper who had been a citizen since 1996, was so traumatized that he is contemplating leaving the country.

Another storeowner reported ongoing harassment that started on the morning of September 11th. A person came into his store and yelled at him, his wife and two-year-old daughter, "Arab terrorists, look what you have done. You all have to die." Later, the family received threatening phone calls and the store was vandalized with garbage, eggs, and graffiti such as "Arab terrorists go home." Of course, the storeowner was already home. He told us he came here in search of the American dream of liberty.

While the store owner who was advised to go home poignantly referred to America as "the land that has seen my two daughter[s] being born," he reported that all the harassment was nothing compared to hearing his five-year-old daughter recount that she had been called a terrorist on the school playground. Barely able to contain tears, the storekeeper simply said, "I was devastated." Many of us were prepared to hear about harassment in schools but were dismayed that it occurred as early as kindergarten.

A counselor at the Arab Cultural Center in San Francisco, offered testimony on the abuses suffered by Arab-American and Muslim students in the San Francisco School District. On September 12th, a Palestinian student was beaten and school officials did not punish the responsible student. According to the counselor, many students reported that they were taunted in school corridors, spat on and accosted with epithets such as "terrorist" and "bin Laden." Several girls and young women wearing

the hijab or head scarves reported that their scarves were yanked from their heads. The counselor reported that students in one school made and circulated printouts listing Arab and Muslim students and substituting the last name bin Laden for the correct surname of each student.

Perhaps most disturbing to those who expect more of teachers, the counselor reported that in an ESL class discussing the events of 9/11, an Iraqi boy offered that "America not deserve this." The teacher heard "America deserve this." The counselor testified: "So great was the teacher's counter-transference that she made no attempt at verification but went immediately to the principal. The student was interrogated, but fortunately a written diary entry confirmed his version of the comment and saved him from further harassment."

The counselor recommended that the School District and Department of Education collaborate with Arab and Muslim organizations to: 1) Rapidly implement counseling services to help students and teachers deal with bigotry in the aftermath of 9/11; 2) Plan in-service cultural competency training for teachers and students at all levels; and 3) Plan assemblies for students to teach tolerance.

Amidst grim reports of student harassment, there was also some encouraging testimony about student cooperation. A South Asian Sikh woman who coordinates a school program for a local agency dedicated to preventing hate violence reported that much of the pro-active work that has occurred in response to the backlash against targeted communities has been youth-led and organized. The program coordinator testified that student groups and youth programs have taken the lead in ensuring safety and protection for one another.

The HRC is dedicated to providing the necessary resources to help reduce the harassment and discrimination faced by Arab Americans, Muslims, people of Middle Eastern descent and those perceived as Middle Eastern. We are in the process of generating a report that will include recommendations made by San Francisco residents and community organizations who testified at the hearing. Also, a task force is being set-up to do follow-up work from the hearing. The HRC remains committed to the preservation of community diversity, as well as preventing and responding to discrimination in all forms.

S.F. HUMAN RIGHTS COMMISSION
02 MAR 28 AM 11:04

HUMAN RIGHTS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

CALIFORNIA INDUSTRIAL HYGIENE SERVICES, INC., APPELLANT, and HUMAN RIGHTS COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO, RESPONDENT.	HEARING: NOVEMBER 26, 2001 **DECISION OF HEARING OFFICER**

INTRODUCTION

On March 30, 2001, the Human Rights Commission of the City and County of San Francisco (hereafter also referred to as "HRC" or "respondent") received an application dated March 28, 2001 from California Industrial Hygiene Services, Inc. (hereafter also referred to as "CIH Services" or "appellant") for re-certification as a Woman Business Enterprise (hereafter also referred to as "WBE") under the San Francisco Administrative Code Section 12D.A.1-.A.21, the Minority/Women/Local Business Utilization Ordinance, App. 10/5/98 (hereafter also referred to as the "MBE/WBE/LBE Ordinance-IV" or "San Francisco Administrative Code 12D") and under HRC 12D-A Rules and Regulations, effective 06-08-00 (hereafter also referred to as the "HRC Rules and Regulations").

On April 24, 2001, Virginia Harmon, the Interim Executive Director of the HRC (hereafter also referred to as "HRC Director") denied CIH Services' application for re-certification as a WBE.

On April 26, 2001, CIH Services appealed the HRC Director's decision.

On May 3, 2001, the HRC informed CIH Services of the appeal process under HRC Rules and Regulations Section VII and enclosed a copy of Section VII of the HRC Rules and Regulations.

On May 7, 2001, CIH Services, among other things, confirmed that it wanted to "meet with the director to continue the appeal process" and indicated that the meeting should occur after June 4, 2001 "because Roxanne Fynboh is traveling until then."

On June 18, 2001, pursuant to the appeal procedures under HRC Rules and Regulations Section VIIA, the HRC Director met with representatives from CIH Services to provide CIH Services an opportunity to show that the decision to deny the application for re-certification was unwarranted.

On June 29, 2001, pursuant to the June 18, 2001 meeting with the HRC, CIH Services provided telephone bills to the HRC.

On August 14, 2001, the HRC Director, among other things, affirmed her previous determination denying CIH Services' application for re-certification as a WBE.

On August 21, 2001, pursuant to San Francisco Administrative Code Section 12D.A.6(B) and HRC Rules and Regulations Section VII(D), CIH Services, among other things, appealed the decision of the HRC Director.

On September 13, 2001, the HRC Director acknowledged receipt of CIH Services' appeal and indicated that the HRC would appoint a hearing officer under HRC Rules and Regulations VII(F).

On or about October 11, 2001, pursuant to HRC Rules and Regulations Section VII(F), the HRC appointed the undersigned hearing officer to review the certification application.

On October 30, 2001, a Corrected Notice of Public Hearing was served on the undersigned hearing officer, CIH Services, the counsel to the HRC and the counsel to the hearing officer, indicating among other things, that pursuant to the appeal of CIH Services, an administrative review hearing would be held on Monday, November 26, 2001 starting at 9:00 a.m. at 25 Van Ness Avenue, Room 320, San Francisco, California.

On November 26, 2001, a hearing was held from 9:00 a.m. to 10:20 a.m. before the undersigned hearing officer. The following people appeared at the hearing: Roxanne Fynboh, the President of CIH Services; Mary Holder, the Business Manager of CIH Services; Virginia Harmon, the HRC's Interim Executive Director; Maria L. Cordero, an HRC Contract Compliance Officer; Catharine S. Barnes, Deputy City Attorney of the City and County of San Francisco representing the HRC; and David W. Shipper, Deputy City Attorney of the City and County of San Francisco, representing the undersigned hearing officer. At the hearing, all parties had full opportunity to present relevant evidence and argument and all those who testified did so under oath. The record closed at the conclusion of the November 26, 2001 hearing.

The following Findings of Fact and Conclusions of Law are premised upon relevant testimonial and documentary evidence in the record, and on pertinent provisions of law.

FINDINGS OF FACT

1. CIH Services is a California Corporation that was established in 1988. CIH Services provides consulting services to public and private organizations on health and safety and environmental issues. The President of CIH Services is Ms. Roxanne Fynboh,

a woman who owns 100% of the voting shares, having acquired 550 voting shares on March 30, 1990 and the other 450 voting shares on May 14, 1996 from her former spouse.

2. The HRC previously certified CIH as a WBE pursuant to the HRC Rules and Regulations in effect prior to June 8, 2000.

3. On March 30, 2001, the HRC received an application dated March 28, 2001 from CIH Services for re-certification as a WBE. This application for re-certification indicates that CIH Services has two offices: 1) at 1303 Jefferson Street, Suite 300A, Napa, California 94559 (hereafter also referred to as the "CIH Services Napa Office"); and 2) at 350 Townsend Street, Suite 134, San Francisco, California 94110 (hereafter also referred to as the " CIH Services San Francisco Office"). CIH Services has obtained the respective local business licenses for both its Napa Office and its San Francisco Office.

4. Effective January 1, 2000, CIH Services entered into a written twelve month lease for its San Francisco office at a monthly rent of $125.00. Paragraph 20 of this lease provides that at the end of the lease term on December 31, 2000, at the landlord's option, the tenancy becomes either one at sufferance or a month-to-month tenancy with monthly rent of $130.00. As of the hearing date, the lease for the CIH Services San Francisco Office was in effect.

5. Maria L. Cordero is the HRC contract compliance officer who was assigned to the CIH Services' application for recertification as a WBE dated March 28, 2001. In April 2001, Ms. Cordero visited the CIH Services San Francisco office to perform an unannounced site inspection. Such site inspections became part of HRC procedures as

of the June 8, 2000 effective date of the current HRC Rules and Regulations and became effective after the initial certification of CIH Services as a WBE.

6. Ms. Cordero visited the CIH Services San Francisco Office three to four times in April 2001 and never found anyone at the office. Ms. Cordero looked through the glass door to the office and observed a room roughly four feet by six feet, which contained one desk, no visible files and a phone jack without a phone attached to it.

7. All telephone calls placed to the CIH Services San Francisco Office "roll over" to the CIH Services Napa office. CIH Services does not maintain any testing equipment or reference materials in the CIH Services San Francisco Office. None of the administrative functions of CIH Services such as bidding, estimating, payroll, or invoicing are performed at the CIH Services San Francisco Office.

8. The CIH Services San Francisco Office is not a place where everyday business occurs, and there are no dedicated personnel working there. Rather, it is an office which serves as a landing point for employees in the field, who work primarily with laptop computers and often telecommute from home.

CONCLUSIONS OF LAW

1. The present proceeding is governed by relevant portions of San Francisco's MBE/WBE/LBE Ordinance-IV, found at §§12D.A.1 – 12D.A.21 of the San Francisco Administrative Code, as supplemented by Rules and Regulations promulgated by the Human Rights Commission pursuant to its rulemaking authority under §12.D.A.6(A)4.

2. CIH Services properly appealed the HRC's denial of WBE certification under HRC Rules and Regulations VII. The undersigned hearing officer was properly appointed

to review the certification application of CIH Services under HRC Rules and Regulations VII.

3. Pursuant to San Francisco Administrative Code 12D.A.5, in order to be a WBE, a business must be:

> "an economically disadvantaged **local business** that is an independent and continuing business for profit, performs a commercially useful function, is owned and controlled by one or more women residing in the United States or its territories and is certified as a WBE pursuant to Section 12D.A.6(B)." (emphasis added).

4. San Francisco Administrative Code 12.D.A.5 defines a "Local business" or "Local business enterprise (LBE)" in part as

> "an economically disadvantaged business that is an independent and continuing business for profit, performs a commercially useful function and is a firm that:"
>
> "(1) Has fixed offices or distribution points located within the geographical boundaries of the city where a commercially useful function is performed. Post office box numbers or residential addresses shall not suffice to establish status as a 'Local Business';"
>
> "(2) Is listed in the Permits and License Tax Paid File with a San Francisco business street address; and"
>
> "(3) Possesses a current Business Tax Registration Certificate at the time of the application for certification as a local business;"
>
> "(4) Has been located and doing business in the City for at least six months preceding its application for certification as a local business; and"
>
> "(5) Is certified as an LBE pursuant to Section 12D.A.6(B)(1)"

5. San Francisco Administrative Code 12D.A.6.(B)(1) states as follows:

> "1. Through appropriately promulgated procedures, the Director shall certify businesses as bona fide MBEs/WBEs/LBEs. These procedures shall provide that any business seeking certification as an LBE shall meet the definition of an LBE and possess or establish all of the following: (1) business cards for the San Francisco office; (2) business stationary for the San Francisco office; (3) a written agreement for occupancy of a San Francisco office; (4) a listing of the

business in a appropriate business buyers guide such as a telephone yellow pages listing San Francisco based business; (5) a San Francisco office in which business is transacted that is appropriately equipped for the type of business for which the enterprise seeks certification as an LBE; (6) a conspicuously displayed business sign at the San Francisco business premises except where the business operates out of a residence; and (7) licenses issued to the business owner appropriate for the type of business for which the enterprise seeks certification."

6. Rule VI of the HRC Rules and Regulations states in pertinent part as follows:

"A. Bona fide Local Business Enterprise (LBE) status shall be established on the basis of the owner's claim, signed under penalty of perjury by the owner or authorized agent of the business seeking LBE status, that the business' office is located within the City and County of San Francisco. The business must meet the definition of LBE as provided by Section 12D.A.5 of the Ordinance and must meet the requirements of Section 12D.A.6(B)(1) of the Ordinance."

"B. In addition to the requirements set forth in the Ordinance, a business that seeks to be certified as a LBE must establish that:"

"1. The business is an economically disadvantaged business that is an independent and continuing business for profit and performs a commercially useful function;"

"(a) The applicant must submit his/her complete business and/or individual Federal Income Tax returns for the past three (3) most recent years."

"(b) The LBE certification requirement that the applicant business be an "economically disadvantaged business" within the definition provided by Section 12D.A.5 of the Ordinance may not be met by any individual business enterprise under common ownership, in whole or in part, with other businesses where the aggregate gross annual receipts of the combined businesses under common ownership would not meet the definition of "economically disadvantaged business" under Section 12D.A.5 of the Ordinance."

"2. The applicant must transact and operate business daily in the San Francisco office, and the business must be located and doing business in San Francisco for at least six (6) months preceding its application for certification as a local business."

"3. The business must be listed in the Permits and License Tax Paid File with San Francisco business street address and possess or be eligible to receive a current Business Tax Registration Certificate at the time of its application for certification as a local business."

"(a) The applicant for certification must submit a copy of his/her current Business Tax Registration Certificate issued by the City Tax Collector, along with a copy of the application form filed with the San Francisco Tax Collector's Office (EZ) and a copy of the current W-3 form, showing his or her current local business location."

"(b) Post Office box numbers, commercial mailbox services, or residential addresses when the firm has an office outside of San Francisco shall not suffice to establish status as a 'Local Business'."

"(c) Businesses with offices both within and outside of the City that seek LBE certification based on an office located within the City must demonstrate the existence of a bona fide local office in accordance with the following criteria:"

> "i. Independent Office Site: The local office can and does function as an independent office site. The local office is not merely a sham operation set up by a non-local business for the purpose of gaining LBE certification;"
>
> "ii. Fixtures and Equipment: The local office contains all fixtures and/or equipment, including but not limited to, as appropriate, computer(s), software, copy machine(s), furniture; vehicle(s), tools, appliances and/or machinery necessary to operate the business for which the certification is sought;"
>
> "iii. Space: The local office contains all space necessary to operate the business for which certification is sought, including but not limited to, as appropriate, office space, warehouse space, parking, yard area and/or shop area;"
>
> "iv. Dedicated Personnel: The local office must be the main office for assigned personnel who conduct a full-range of the business' activities out of the local office including but not limited to, as appropriate, professional, clerical and/or administrative staff assigned and dedicated to the local office as necessary to operate the business for which certification is sought;"
>
> "v. Daily Function: The local office functions on a daily basis, or a regular basis as otherwise appropriate, providing all services to operate the business for which certification is sought;"
>
> "vi. Local Overhead: The overhead costs associated with the local office, including but not limited to rent, wages and salaries, must place the entity seeking certification at an economic disadvantage compared to businesses not located within the City (e.g., a business in the City staffed

by a clerk who forwards substantive work to a location outside the City is not considered disadvantaged compared to other businesses not located within the City, and does not meet the criteria for LBE certification);"

"vii. Submission of Records: Businesses seeking certification must submit, in addition to the City Payroll Tax records, a DE-6 quarterly State wage and withholding report. Upon request, the business shall furnish the Director with payroll records for the local office that demonstrate that the tasks described in this section have been performed by employees assigned to and working out of the local office."

7. In order to be certified as a WBE, CIH Services must meet the aforementioned statutory definition of "local business." Most pertinent in this situation, because CIH Services maintains offices in both Napa and in San Francisco, it must satisfy the requirements of Rule VI.B.3(c).

8. The Findings of Fact stated above with respect to the lack of daily functions, dedicated personnel and functional equipment at the CIH Services San Francisco Office clearly do not comport with the express requirements of Rule VIB. Moreover, CIH Services has failed to show that it suffers from the requisite economic disadvantage due to overhead at its location in San Francisco, as mandated by Rule VI.B.3(c)(vi).

9. In accordance with the above, CIH Services does not meet the requirements for certification as a WBE under the San Francisco Administrative Code Section 12D and HRC Rules and Regulations. The HRC Director's administrative determination, dated April 24, 2001, that CIH Services does not meet the requirements to be considered a Woman Business Enterprise is upheld.

10. Pursuant to HRC Rules and Regulations VII.F., the undersigned hearing officer's decision is final.

///

ORDER

1. The appeal of CIH Services is denied.

2. The HRC Director's administrative determination, dated April 24, 2001, that CIH Services does not meet the requirements to be considered a Woman Business Enterprise is upheld.

3. Pursuant to HRC Rules and Regulations VII.F., the undersigned hearing officer's decision is final.

Dated: March 27, 2002

Andrew Yick
Hearing Officer

y and County of San Francisco

Residential Rent Stabilization and Arbitration Board

PROOF OF SERVICE

I am over the age of 18, not a party to this case, and am employed at 25 Van Ness Avenue, #320, San Francisco, California, 94102. I served a copy of the attached:

Decision of Hearing Officer dated March 27, 2002 in the matter of California Industrial Hygiene Services, Inc., Appellant and Human Rights Commission of the City and County of San Francisco, Respondent.

by placing a true copy in a sealed envelope with postage prepaid in the United States mail at San Francisco, California, on the date shown below, and addressed to the parties as shown below.

Roxanne Fynboh
California Industrial Hygiene Services, Inc.
1303 Jefferson Street, Suite 300A
Napa, CA 94559

Virginia Harmon
San Francisco Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102

Catharine S. Barnes, Esq.
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

David W. Shipper, Esq.
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on the date shown below at San Francisco, California.

March 27, 2002
Date

Cathy Helton
Signature

y and County of San Francisco

Residential Rent Stabilization and Arbitration Board

PROOF OF SERVICE

I am over the age of 18, not a party to this case, and am employed at 25 Van Ness Avenue, #320, San Francisco, California, 94102. I served a copy of the attached:

One Cassette Tape Recording the Hearing Held on November 26, 2001 in the matter of California Industrial Hygiene Services, Inc., Appellant and Human Rights Commission of the City and County of San Francisco, Respondent.

by placing a true copy in a sealed envelope with postage prepaid in the United States mail at San Francisco, California, on the date shown below, and addressed to the parties as shown below.

Roxanne Fynboh
California Industrial Hygiene Services, Inc.
1303 Jefferson Street, Suite 300A
Napa, CA 94559

Virginia Harmon
San Francisco Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on the date shown below at San Francisco, California.

March 27, 2002
Date

Cathy Helton
Signature

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

April 11, 2002 **DRAFT**

Mr. Norman Y. Mineta, Secretary
U.S. Department of Transportation
400 7th Street, SW
Washington, D.C. 20590

Dear Secretary Mineta:

The San Francisco Human Rights Commission is writing to urge your support for SB 1829 sponsored by U. S. Senator Dianne Feinstein (D. Calif.) to speed the naturalization process and authorize transitional employment for the many airport security screeners who are in danger of losing their jobs as a result of the discriminatory effect of section 111 of the Aviation and Transportation Security Act, ("ATSA"), Public Law No. 107-71, passed on November 19, 2001 which requires that airport screeners be U.S. citizens. The Commission further urges you to consider protections for those non-citizens legally in the U.S. who are not yet close to citizenship.

As a direct consequence of this provision, hundreds of lawful permanent residents and non-citizens who are currently employed as airport screeners will be summarily fired from their jobs without any process whatsoever to determine whether their continued employment would pose a security risk. These women and men are prohibited by ATSA from eligibility to reapply as federal screeners, notwithstanding that some have worked for more than ten years at their present employment.

The discriminatory provisions of section 111 of ATSA serve no interest of furthering aviation security. In fact, the most immediate impact of the citizenship requirement will be to jeopardize, rather than enhance, aviation security. In airports such as SFO, where more than 80 percent of screeners are currently non-citizens, enforcement of the citizenship requirement will virtually eliminate all experienced and tested screeners in favor of new employees with no background or know-how in this difficult security work.

San Francisco regards itself with pride as a City of immigrants, and this legislation would be devastating, especially to our Filipino community. In December, the Employment Committee of the Human Rights Commission heard testimony from numerous persons who are in imminent danger of losing their livelihoods and their homes. Because of the adverse impact of this legislation, most of these people will have extreme difficulty in finding alternate employment with commensurate wages and benefits.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

As Senator Feinstein has indicated, it is a mistake to punish the thousands of legal immigrants who now work as airport screeners and are playing by the rules to become citizens. Senator Feinstein's bill will provide an adequate transition for the many well qualified, loyal and hard-working lawful permanent residents that are on the verge of attaining citizenship but who will not be able to compete that process before they lose their jobs.

Thank you for your consideration of this matter.

Sincerely,

Ghada Saliba-Malouf
Chair, Human Rights Commission

Cc: George Walker Bush, The President
The Honorable Rosario Marin, Treasurer of the United States
The Honorable Dianne Feinstein, United States Senate
The Honorable Barbara Boxer, United States Senate
The Honorable Nancy Pelosi, The United States House of Representatives
The Honorable Tom Lantos, The United States House of Representatives
The Honorable Willie L. Brown, Mayor of San Francisco
The Honorable Tom Ammiano, President, Board of Supervisors

City and County of San Francisco
Human Rights Commission

April 11, 2002

Minutes
Regular Meeting
Thursday, April 11, 2002

Approved 04-25-02

DOCUMENTS DEPT.
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Leslie Littleton Wilkinson
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:36 p.m.

ROLL CALL

Commissioners Present
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis (arr. 4:37 pm)
Wilfred W. Hsu (arr. 4:38 pm)
Martha Knutzen
Theresa Sparks

Commissioners Excused
Leslie Littleton-Wilkinson
Antonio Salazar-Hobson
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Lome Aseron, Larry Brinkin, Maria Cordero, James Fields, Ed Ilumin, Zula Jones, Veronica Ng, Diana Rathbone, Mary Gin Starkweather, Nichole Truax, and Roel Villacarlos

Guests Present

Catherine Barnes, Deputy City Attorney; and Mehnaz Saiyed (HRC Intern)

A quorum was present.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

APPROVAL OF MINUTES

Approval of minutes of Commission meeting of March 14, 2002

The minutes of HRC Commission meeting of March 14, 2002, were moved (Baghdassarian), and seconded (Dimapilis).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes - 7: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks

Noes - 0:

Absent - 3: Littleton-Wilkinson, Salazar-Hobson, Ward

Approval of minutes of Commission meeting of March 28, 2002

The minutes of HRC Commission meeting of March 28, 2002 were continued for the next meeting.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Chair Saliba-Malouf stated that she was asked to be on the exhibition committee for the "Eternal Egypt" exhibition at the Legion of Honor taking place in August or September of this year. The Legion of Honor has involved the community with this exhibition and is coordinating many activities between the community and the exhibition. Chair Saliba-Malouf stated that she hopes to co-sponsor an event with the Legion to take place around the anniversary of September 11.

Additionally, on Sunday, April 7th, Chair Saliba-Malouf was asked to speak at St. Nicholas Church in Diamond Heights to speak about the Commission and what the HRC does. Chair Saliba-Malouf stated that St. Nicholas is interested in working with the Commission on workshops in contract opportunities.

Chair Saliba-Malouf also added that the Hate Violence Task Force in now staffed and meetings are scheduled with Supervisor Newsom's office for April 23rd. There have been continued incidents of hate violence occurring in the City, including the possible arson of one of the community churches.

Commissioner Baghdassarian stated that the Armenian Cultural Association has organized a photo exhibit on survivors of the Armenian genocide, which will be taking place on the lower level of City Hall, April 24th - June 30th. An opening reception will take place on Thursday, April 25th from 5:30pm to 7:30 pm. He encouraged HRC staff and Commissioner attendance.

Commissioner Dimapilis has been attending the Bay Area Organizing Committee meetings regarding airport security employees who are losing their jobs because they are not U.S. citizens. An event has been planned for April 21st at the airport, and layoffs will begin as soon as May 21st.

Chair Saliba-Malouf stated that the Commission received a letter from Secretary Mineta in response to our letter, which basically stated that the law is the law and that they will do everything that they can to retain qualified screeners.

Approve submission of chapter entitled "Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001" for civil liberties book

Chair Saliba-Malouf stated that Robert Greenwald Productions asked the Commission to submit a chapter for a book regarding violation of civil liberties after September 11. The book should be published sometime later this summer. HRC Staffers Nichole Truax and Hadas Rivera-Weiss worked on the chapter, which is presented to the Commission to approve its submission for publication.

Commissioner Knutzen suggested adding how many people attended the meeting. Commissioner Dimapilis suggested including how many people have expressed their appreciation for the hearing and our continued efforts regarding this issue.

With the above additions, the approval of submission of chapter entitled "Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001" for civil liberties book was moved (Dimapilis), and seconded (Lee), and CARRIED by the following vote:

Ayes - 7: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks

Noes - 0:

Absent - 3: Littleton-Wilkinson, Salazar-Hobson, Ward

REPORT OF THE DIRECTOR

Chapter 12.D.A. Waiver Report for March

Director Harmon presented March's 12.D.A. Waiver Report. Director Harmon offered to answer any questions that the Commissioner's may have. There were none. Commissioner Sparks thanked Director Harmon and James Fields (HRC Staff) for the detailed and comprehensiveness of this report. Director Harmon also acknowledged Melinda Wesley (HRC Staff) for preparing these reports.

Report on California Industrial Hygiene Services, Inc. (CIH) Decision of Hearing Officer
Director Harmon introduced Maria Cordero (HRC Staff), who presented the California Industrial Hygiene Services, Inc. (CIH) decision. CIH's certification was denied based on non-compliance with local requirements.

Appointment of hearing officer to appeal the Director's March 21, 2002 decision, finding Landavazo Bros. in willful non-compliance with Chapter 12.D.A. of the San Francisco Administrative Code

Director Harmon stated that a hearing officer is required for the appeal for Landavazo Bros. and she will obtain a hearing officer form the Rent Board or American Arbitrators Association, if necessary.

The appointment of a hearing officer to appeal the Director's March 21, 2002 decision, finding Landavazo Bros. in willful non-compliance with Chapter 12.D.A. of the San Francisco Administrative Code was moved (Dimapilis), and seconded (Lee), and CARRIED by the following vote:

Ayes - 7: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks

Noes - 0:

Absent - 3: Littleton-Wilkinson, Salazar-Hobson, Ward

REVIEW OF RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS

Larry Brinkin (HRC Staff) distributed a draft version of the Rules of Procedures and stated that he will bring the Rules of Procedure before the Commission for approval at a future Commission meeting. Mr. Brinkin stated that the City Attorney and HRC Staffers will research certain sections of the Rules. Mr. Brinkin stated that the main purpose of the Rules is so that the public understands what the HRC process is. A soon to be produced manual for staff will ensure and HRC processes are consistent.

Mr. Brinkin asked the Commissioners to review the draft Rules and Procedures and invited the Commissioners to call him if they have any questions.

HRC DIVISION REPORT

Employment, Housing, and Public Accommodations Division:

Report on April: Fair Housing Month

Ed Ilumin (HRC Staff) announced to the Commissioners that April is National Fair Housing Month and there are many events happening this month to promote fair housing. The Fair Housing Act was passed in 1968 to eliminate housing discrimination on the basis of race, sex, national origin, religion and other classes. The act was amended in 1988 to include familial status and disability as protected classes. The HRC has co-hosted a fair housing training workshop with the AIDS Legal Referral Panel and the Mayor's Office of Disability. This workshop included issues of disability and reasonable accommodation. 130 housing providers were present from the public, private, and non-profit sectors and the workshop was well attended. Mr. Ilumin stated that the HRC is the host of the Northern California Fair Housing Coalition (NCFHC), which meets quarterly at the HRC main office. Anita Trafikanti, a (NCFHC) member and daughter of Paul Trafikanti, who was a white San Franciscan who lived in Park Merced who sued under the Federal Fair Housing Act because there was only one African-American person living at Park Merced. Mr. Trafikanti felt that the lack of diversity denied Mr. Trafikanti his constitutional right to freedom of association. Mr. Tranfikanti's case was unanimously upheld in the U.S. Supreme court. Mr. Ilumin stated that Paul Trafikanti has recently passed and he suggested to the Commission that they create a resolution in his honor to show respect and gratitude for this champion of housing rights.

Mr. Ilumin stated that he recently met with the Director of the Department of Fair Housing (DFH) to discuss strengthening the relationship between DFH, the HRC, and other housing agencies. Additionally, the Governor will be issuing a proclamation declaring April Fair Housing month.

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

No report.

Employment Committee

Report of March 7, 2002 Committee Meeting

Vice-Chair Lee asked Mary Gin Starkweather (HRC Staff) to present the Commission the reports for the March 7th and April 4th Committee meetings. Ms. Starkweather stated that at the March 7th meeting, the committee composed a second letter to Secretary Mineta with much stronger language. At the April 4th meeting, Deputy City Attorney Catharine Barnes presented the committee with information about the Sunshine Ordinance and how it affects their committee. Additionally, the Committee discussed the Racial Privacy Initiative.

Vice-Chair Lee asked how many people were affected by the new citizenship requirements for airport security workers. Ms. Starkweather stated 800.

Possible adoption of letter urging Department of Transportation support for SB 1829 (Sen. Feinstein) amending the Aviation and Transportation Security Act, ("ATSA") to speed the naturalization process and authorize transitional employment for non-citizen airport security screeners legally in the United States

The adoption of letter urging Department of Transportation support for SB 1829 (Sen. Feinstein) amending the Aviation and Transportation Security Act, ("ATSA") to speed the naturalization process and authorize transitional employment for non-citizen airport security screeners legally in the United States was moved (Dimapilis), and seconded (Lee), and CARRIED by the following vote:

Ayes - 7: Baghdassarian, Dimapilis, Hsu, Knutzen, Lee, Saliba-Malouf, Sparks

Noes - 0:

Absent - 3: Littleton-Wilkinson, Salazar-Hobson, Ward

Issues Committee

Report of March 13, 2002 Meeting

Commissioner Sparks introduced Lome Aseron (HRC Staff) who provided the Commission with a brief report. Mr. Aseron stated that the Committee appointed their committee members for the 2002-2003 term and that attendance has been high. The committee visited the issue of medical marijuana and concluded that the jurisdiction lies with the Department of Public Health. The Committee also discussed the issue of racial profiling outside of the work that the HRC is currently doing.

MBE/WBE/LBE Advisory Committee

Report of March 20, 2002 Meeting

Commissioner Dimapilis introduced James Fields (HRC Staff) who provided the Commission with a brief report. Mr. Fields stated that the Committee has completed their interviews for new members and will be making choices for committee membership in the near future. Mr. Fields stated that the committee discussed the sunsetting of Chapter 12.D. in 2003.

Chair Saliba-Malouf asked what the total number of membership is. and Deputy City Attorney Catharine Barnes stated that there is no set number, but will check the statute and standing rules for clarification.

Youth and Education Committee

Report of April 3, 2002 Meeting

Commissioner Dimapilis introduced Roel Villacarlos (HRC Staff). Mr. Villacarlos stated that the committee recently reduced the number of committee members to help ensure a quorum. The committee also decided to address violence in the home, family communication, sexual diversity, student-to-counselor ratio in the schools, and community involvement in the schools. The committee will also address the current Student Bill of Rights with the San Francisco School District.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

There was no discussion.

ADJOURNMENT

The meeting was adjourned in honor of the memory of Barbara Cameron at 5:49 p.m.

NEXT MEETING

DATE: April 25, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416

San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon

Director

By: Toni A. Delgado

Commission Secretary

** NOTE: If you are viewing these minutes in electronic form - If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, April 25, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
APR 2 3 2002
SAN FRANCISCO
PUBLIC LIBRARY

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   a. Approval of minutes of Commission Meeting of March 28, 2002
   [➲Action Item *Attachment to be provided at meeting*]
   b. Approval of minutes of Commission Meeting of April 11, 2002
   [➲Action Item *Attachment to be provided at meeting*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
   [◎Discussion Item]

7. REPORT OF THE DIRECTOR

   a. Discussion of appeal rights for complainants and respondents in discrimination cases (Brinkin)
   [◎Discussion Item ➲Action Item]
   b. Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color (Jones, Aseron, Delgado)
   [◎Discussion Item]
   c. Discussion and possible approval of letter to Abercrombie & Fitch regarding product racial stereotyping (Ilumin)
   [◎Discussion Item]
   d. Discussion and possible approval of resolution in memory of former HRC Commissioner Reverend Peter J. Sammon
   [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

8. ANTIOCHIAN ORTHODOX CHURCH OF THE REDEEMER IN LOS ALTOS HILLS, CA ARSON FIRE (Rivera-Weiss)

   a. Discussion of letter regarding future meeting between SFPD and San Francisco Arab and Muslim communities concerning the steps the police department has taken to ensure the safety of Arab and Muslim residents and institutions
      [◎Discussion Item]
   b. Discussion and possible approval of letter of concern to agencies investigating the April 7th arson fire of the Antiochian Orthodox Church of the Redeemer in Los Altos Hills, California
      [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]
   c. Discussion and possible viewing of Alcohol, Tobacco and Firearms (ATF) video "Fire Safety at Your Worship Center"
      [◎Discussion Item]
   d. Presentation and possible approval of plan to assist ATF with dissemination of video
      [◎Discussion Item ➲Action Item]

9. REPORT ON FIRST MEETING OF BACKLASH WORKING GROUP (Truax)

10. HRC HEIGHT AND WEIGHT ORDINANCE

   a. Informational Presentation on Weight Discrimination (Brinkin)
      [◎Discussion Item]
   b. Update on Height and Weight Discrimination Cases (Starkweather)
      [◎Discussion Item]

11. COMMITTEE REPORTS

   a. Lesbian Gay Bisexual Transgender Advisory Committee
      Commissioner Martha Knutzen, Chair
      Commissioner Theresa Sparks, Vice Chair
      Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

      i. Report of April 16, 2002 Committee Meeting
         [◎Discussion Item]
      ii. Discussion and possible adoption of resolution honoring the memory of Barbara Cameron
         [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

      NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, May 21, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

b. Employment Committee
Commissioner Larry Lee, Chair
Commissioner Wilfred Hsu, Vice Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. No Report.

NOTE: *The next meeting of the Employment Committee will be held on Thursday, May 2, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee
Commissioner Theresa Sparks, Chair
Commissioner Haig Baghdassarian, Vice Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of April 10, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, May 8, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of April 17, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, May 15, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. No Report.

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, May 1, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

12. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

13. ADJOURNMENT

NEXT MEETING: THURSDAY, MAY 9, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

SAN FRANCISCO HUMAN RIGHTS COMMISSION

SPECIAL NOTICE

DOCUMENTS DEPT

APR 15 2002

SAN FRANCISCO
PUBLIC LIBRARY

THURSDAY, APRIL 25, 2002

4:30 P.M.
CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102

NOTICE OF POSSIBLE ACTION TO ADOPT RULES AND REGULATIONS

Please take notice that the Human Rights Commission may take action at the next regularly-scheduled meeting on April 25, 2002, at 4:30 p.m. in City Hall room 416 to adopt Rules and Regulations governing the processing of discrimination complaints filed under the Administrative Code Chapters 12A,B, C&H, and San Francisco Police Code Articles 33 and 38.

NOTE: QUESTIONS MAY BE DIRECTED TO COMMISSION SECRETARY
Toni Delgado
(415) 252-2502

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JUL 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, April 25, 2002

DRAFT

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:32 p.m.

ROLL CALL

Commissioners Present	*Commissioners Excused*
Ghada Saliba-Malouf, *Chair* (left 5:55 pm)	
Larry Lee, *Vice Chair* (left 5:20 pm)	
Haig Baghdassarian (arr. 4:35 pm)	
Shirley Dimapilis	
Wilfred W. Hsu (arr. 4:42 pm, left 6:19 pm)	
Martha Knutzen	
Antonio Salazar-Hobson (arr. 4:35, left 6:19 pm)	
Theresa Sparks	
Charles Ward	

HRC Staff Present
Virginia Harmon, Director; Carla Vaughn, Acting Commission Secretary; Frank Anderson, Lome Aseron, Larry Brinkin, James Fields, Ed Ilumin, Zula Jones, Veronica Ng, Hadas Rivera-Weiss, Mary Gin Starkweather, and Nichole Truax

Guests Present
Catherine Barnes, Deputy City Attorney; Mehnaz Saiyed (HRC Intern); James Bryant; Alicia Chao; Hamid Abdul Kadir; Johnnie Robinson; Nan Su; Charlie Walker; and Ray Willis

A quorum was present.

APPROVAL OF MINUTES

Approval of minutes of Commission meeting of March 28, 2002
The minutes of HRC Commission meeting of March 28, 2002, were moved (Dimapilis), and seconded (Lee).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes	6	Dimapilis, Knutzen, Lee, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Hsu, Salazar-Hobson

Approval of minutes of Commission meeting of April 11, 2002
The minutes of HRC Commission meeting of April 11, 2002, were moved (Dimapilis), and seconded (Lee).

The motion to approve the minutes as presented was CARRIED by the following vote:

Ayes	6	Dimapilis, Knutzen, Lee, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Hsu, Salazar-Hobson

CIRCULATE GENERAL COMMUNICATIONS FILE
A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Nan Su and Alicia Chao
Ms. Chao thanked the Human Rights Commission for their support of Falun Gong practitioners.

Chair Saliba-Malouf thanked Ms. Chao for her testimony and noted that a few months ago, the Commission passed a resolution on behalf of Falun Gong practitioners.

Abdul Hamid Kadir
Mr. Kadir asked the Commission to direct staff to hear his complaint and consider conducting an investigation. Mr. Kadir stated that for four years he has lived in housing within the San Francisco Housing Authority and has suffered abuse, harassment and intimidation, both as a private citizen and as a representative of the resident council. Most of the abuse has to do with his citizenship status, his race, religion, ethnicity, and physical disability. He again asked the Commission for help.

Vice-Chair Lee asked if Mr. Kadir has considered speaking to the San Francisco Housing Authority Commission and Mr. Kadir replied affirmative.

Chair Saliba-Malouf asked the Director to look into this complaint to see if the Human Rights Commission has jurisdiction in this matter.

Charlie Walker
Mr. Walker addressed the Commission on the firing of Tammy Hayood from the Elections Department. Mr. Walker asked the Human Rights Commission to look into this matter because the African-American people feel that Ms. Haygood's termination was racially motivated. Mr. Walker felt that the African-American community is bothered more than other minorities and noted that it was his mother and a few other people who started the Human Rights Commission. He stated that many of the Boards in City Hall are stacked against African-Americans. Mr. Walker wanted to express his discontent with this issue and asked the Commission to look into this matter and have a hearing, if possible.

Chair Saliba-Malouf stated that she was aware of the racial tension involved with the firing of Tammy Haygood and asked the City Attorney to research what the Human Rights Commission could do, and asked Director Harmon and staff to look into this. Chair Saliba-Malouf asked for a report back by the next commission meeting.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Commissioner Baghdassarian stated that April 24th is traditionally the day that the Armenian community commemorates and observes Armenian Genocide. This week there have been a series of events that he has been involved with. Commissioner Baghdassarian also invited HRC Commissioners, staff and the public to attend the Armenian Genocide photo exhibit that is taking place right now in the lower level of City Hall.

Commissioner Dimapilis stated that she attened the Bay Area Organizing Committee meeting which Mayor Brown attended, along with other Bay Area Mayor's, to give their support to the Airport workers.

Commissioner Lee left at 5:20 pm. The quorum was not affected.

REPORT OF THE DIRECTOR

Discussion of appeal rights for complainants and respondents in discrimination cases

Director Harmon stated that the HRC has been reviewing the Rules of Procedure for complaints of discrimination. Many discussions have taken place within the office and staff has determined that this is really a matter for the Commission to decide. Director Harmon asked the Commissioners to make a determination and set some policy so that the HRC can draft an appropriate rule for their review and approval at the next Commission meeting. Director Harmon introduced Larry Brinkin (HRC Staff).

Mr. Brinkin explained that this is an issue as to whether both complainants and respondents should have the right of appeal. Presently, Chapter 12.B. of the San Francisco Administrative Code gives the right of appeal to respondents who are City contractors. The only other place an appeal appears in Article 33 of the Police Code, which allows an appeal of the Directors finding in a housing case. In no other discrimination cases do any of the HRC's ordinances explicitly state that there is the right of appeal, although they also don't state that there isn't. With the help of the City Attorney, HRC staff found that the Commission could decide either way whether to grant a right of appeal in every determination case to either the complainant or respondent, or not.

There are advantages and disadvantages to both. The advantage is the complainants or respondents will feel that due process is theirs and that the have an opportunity to have the Commission review the Directors decision. The disadvantage to doing this is that the HRC has hundreds of complaints of discrimination every year. The Commissioners could possibly face a larger number of appeals than they currently have. Additionally, our budget will be affected because we pay hearing officers to hear appeals. However, a couple of mitigating factors are that not every complainant or respondent will appeal the Directors decisions, and the Rules would be written in such a way that complainants or respondents would only have a right to an appeal if there was a reason for an appeal, and the reasons would be that there was some error in the investigative process.

Commissioner Salazar-Hobson stated that the only fair way to do this is to give both sides the opportunity to appeal, unless there were a compelling reason not to do so, and the only reasons he knows of is the concern of cost of hearing officers and the overburdening of staff. He asked if a cost analysis has been done to delineate how many appeals could we absorb without eroding our ability to achieve the other mandates of this Commission.

Mr. Brinkin felt that there wouldn't be a lot of appeals because there aren't that many findings and because the HRC's mediation process is very thorough.

Director Harmon offered a comparison, stating that under the Chapter 12.D.A. ordinance there have been two appeals in the last year (Liberty Builders and Hensel Phelps). Director Harmon stated that the appeals was very costly, approximately $40,000.00. Additionally, a certification appeal of CIH was heard by a City Hearing Officer, which wasn't costly.

City Attorney stated that the Commission is not required to give an appeal, so if the Commission decided to grant it and found that is subsequently became something that was being used frivolously, the HRC could then reconsider their policy and alter the Rules.

The Commission moved (Knutzen) to write a Rule that all complainants and respondents would be able to file with the Commissioners an appeal of a Director's Finding. The motion was seconded (Baghdassarian), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Hsu, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	1	Lee

Chair Saliba-Malouf stated that she had a request to re-open public comment. She reiterated that public comment is limited to three minutes. She the called Mr. James Bryant.

James Bryant
Mr. Bryant with the A. Philip Randolph Institute expressed his concerns that the African-American community feels somewhat indifferent about two recent decisions. The first being the firing of Tammy Haygood and the second being the non-re-appointment of Frank Cook. Mr. Bryant felt that there is an organized effort to demise the African-American community representation City government. Mr. Bryant asked the Commission to look into this matter.

Roy Willis
Mr. Willis stated that the African-American community in this City is feeling like justice is not being done in the cases of Ms. Haygood and Mr. Cook. Mr. Willis stated that many Boards and Commissions in the City are not diverse and reflective of the community. Mr. Willis stated that the African-American community feels dispossessed and asked the HRC to look

into both of these matters to ensure that the African-American community could feel that they have had due process, fairness and justice.

Chair Saliba-Malouf asked Director Harmon to look into the firing of Ms. Haygood and Frank Cook and find out what the HRC's jurisdiction is in these matters.

Update on Report and Task List Regarding Human Rights Commission's Public Hearings on Escalating Violence in Communities of Color
Director Harmon introduced Lome Aseron (HRC Staff). Mr. Aseron stated that two members of the San Francisco Unified School District (SFUSD) were in attendance to present the Commission with an update as to what their department is doing with regard to the community recommendations from the "Violence In Our City" report.

Mr. Aseron introduced Trisha Bascomb, the Executive Director of School Health Programs and Susan Yagihiro, the Coordinator of City sponsored programs. Ms. Bascomb stated that with regard to instituting youth achievement awards to reward high achieving students who live in affected communities, the programs at San Francisco Unified School District include are African-American, Latino and soon the be the Asian/Pacific Islander Student Achievement Recognition ceremonies. There is also a national academic decathalon that students compete in. The school district recognizes high achieving students in many ongoing ways including ceremonies, honor rolls, awards, notes and bumper stickers home to parents.

Ms. Bascomb addressed the issue of existing programs that introduce youth leadership and civic lessons in public schools stating that the school district has a Student Advisory Council, Board of Education Student delegates, high school requirement of 100 hours of service learning as well as service learning in elementary and junior high school levels, student government, student site counsels, JROTC, school clubs and organizations, Beacon, and seven new high school wellness centers.

She then addressed the issue of offering courses in mediation and anger management to equip youth with skills necessary to resolve disputes without resorting to violence. Within the elementary schools there is a Tribe program whereby the whole school addresses the needs of everyone. It is a well rounded, well received program. In middle schools, conflict management programs, tolerance education, respect coordinators, peer resource programs, second step violence prevention programs and life skills programs are offered. In high school, programs include self-esteem, personal and social skills, conflict resolution, violence prevention, peer resource programs, and reconnecting youth.

The status of improving educational experience through improving school curriculum is reflected the addition of creative arts tailored to the youth experience. Professional development and school class support for teachers, project based learning connect schools to real world applications, and school to career programs.

Status of reducing class size particularly relates to students with learning disabilities stating that the average class size is a 1:20 ration in kindergarten through 3rd grade; 8th and 9th grade math and language classes have also been reduced in size. Smaller class size allows for greater individual attention to students and also to address different learning styles.

District professional development resulted in changing instruction to student learning needs, and strategy modification for all students.

Ms. Bascomb addressed the status of implementing measures to ensure that teachers in inner city schools are well trained and have access to adequate resources. The Office of Teacher Affair focused on teacher preparation, professional growth, and incentive programs for new teachers. Beginning teacher support and assessment program, peer assistance and review program, additional resources for low performing school, assistance with preparation for credential tests (CBEST), and collaboration across teaching and learning in multi-lingual departments.

With regard to modernizing learning facilities, the district is reviewing a facilities master plan that has just been drafted and is being taken out to the community for review. This includes painting interior/exterior, asphalt repair, roofing replacement repair, benches, fire alarm systems, technology, yard work and ADA accessibility.

To address existing programs that institutes a process for the community to recognize high achieving and civic-minded people. There are numerous community organizations that recognize students in a variety of areas including academic, athletic excellence, and civic engagement and achievement.

Commissioner Salazar-Hobson stated that the Commission's goal is to stop violence, and part of that solution is to give people the underlying basic skills to balance a checkbook and other core economic issues. Commissioner Salazar-Hobson asked Ms. Bascomb what programs is the district thinking about in terms of trying to incorporate students who have an absence of fiscal skills, and how is the district planning on teaching students economic empowerment. Ms. Bascomb stated that the district is going to ensure that every child can read and that is the key to their success. She stated, if they can't read, all of what the Commissioner said is a mute point and the children are disadvantaged from the get go. In teaching a child to read, the district also addresses their reality.

Commissioner Salazar-Hobson stated that in this era we are going into a terrible recession, we have hopelessly and structurally disadvantaged students and if we are taking on racism and non-violence and teaching students how to not do that, there are practical ways to do that and he encouraged the school district to think about how we give those core lessons as quickly as we can, in the best way that we can, because if we don't we are doing a disservice to the community.

Ms. Bascomb added that in the last three years, the district has opened up 80 new after-school programs, which are key to directly address violence.

Commissioner Sparks stated that the community recommendations that the district has addressed came from an HRC report and discussion groups within the last year, if these are existing programs, why did Ms. Bascomb think that these questions are still coming up in the community, could it be a communication issue, or not knowing about these programs, or are the programs more focused on high achieving students who are less involved with or prone to violence.

Ms. Bascomb stated that the programs do not exist in all schools at all times, and it is always a monetary issue. She stated, you can recommend, provide, and instruct people to do certain programs, but unless the will is there, there isn't a way. The district is doing two things: Increase capacity at the school site to meet the needs of the child and increase the critical mass of people willing to do that. This takes time, professional development, and everyone working in the same direction and willing to adopt programs, but people don't like change.

Commissioner Knutzen stated that the HRC has created a Youth Resource Guide for the community to get the word out about what programs are available in the City and the HRC tries to help people get and keep funding and wherever we can help, please let us know. She stated that the HRC is here to help lay the foundation for the need.

Ms. Bascomb noted many of the district resources are soft resources or categorical resources related to grants and fundings, and the State having a shortfall this year, leaves a lot of programs in jeopardy.

Mr. Aseron stated that more hearings from departments are forthcoming and the next presentation will be from the Mayor's Office of Economic Development. He stated that staff will be issuing a follow-up report which will cover how different city agencies have responded to the community recommendations and where to go from there.

<u>Discussion and possible approval of letter to Abercrombie & Fitch regarding product racial stereotyping</u>
Director Harmon introduced Ed Ilumin (HRC Staff) who offered the draft letter to the Commission. On the day that Abercrombie & Fitch released the t-shirts, our agency received a flood of calls from the Asian-American community. The next day, Abercrombie & Fitch pulled the product off the shelves. On Monday, an HRC investigator was sent to the store and found that one of the products was still on the shelves. The HRC feels that this national chain retail store should be held accountable to this issue of racial profiling in their product.

Commissioner Salazar-Hobson wanted the staff to add to the letter that the HRC expects this company to have a continuing, affirmative obligation to spread the word that what it did was wrong, it will not happen again, to monitor the high prices sales of these shirts on the

internet, and to step up and be counted that they are going to be aggressive in getting out their reversal message.

Commissioner Knutzen asked staff to also send this letter to the Chronicle and the Examiner.

With the above changes, the letter to Abercrombie & Fitch regarding product racial stereotyping was moved (Salazar-Hobson), seconded (Sparks), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Hsu, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	1	Lee

Discussion and possible approval of resolution in memory of former HRC Commissioner Reverend Peter J. Sammon
The resolution in memory of former HRC Commissioner Reverend Peter J. Sammon was moved (Dimapilis), seconded (Knutzen), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Hsu, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	1	Lee

ANTIOCHIAN ORTHODOX CHURCH OF THE REDEEMER IN LOS ALTOS HILLS, CA ARSON FIRE
Chair Saliba-Malouf stated that this possible arson has affected her personally since this church is the sister church of her parish and that she is actively involved with the local community as well as the church community and she thanked the staff and the Director for their quick response on this issue.

Discussion of letter regarding future meeting between SFPD and San Francisco Arab and Muslim communities concerning the steps the police department has taken to ensure the safety of Arab and Muslim residents and institutions
Hadas Rivera-Weiss (HRC Staff) stated that the HRC received a letter from the sister church in Diamond Heights expressing concern for the safety of their building and the parishioners. The HRC heard that Chief Lau had offered to meet with the representatives of the church to discuss what the Police department was doing to protect the building and sent a letter to Chief Lau offering HRC assistance in coordinating this meeting.

Discussion and possible approval of letter of concern to agencies investigating the April 7th arson fire of the Antiochian Orthodox Church of the Redeemer in Los Altos Hills, California
The HRC has drafted a letter for Commission approval and Ms. Rivera-Weiss asked for their approval.

Chair Saliba-Malouf stated that the matter has been determined as arson, but it has not yet been ruled as a hate crime because of lack of evidence.

The letter of concern to agencies investigating the April 7th arson fire of the Antiochian Orthodox Church of the Redeemer in Los Altos Hills, California was moved (Saliba-Malouf), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Hsu, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	1	Lee

Discussion and possible viewing of Alcohol, Tobacco and Firearms (ATF) video "Fire Safety at Your Worship Center"
Ms. Rivera-Weiss stated that when the HRC spoke with the Federal Bureau of Alcohol, Tobacco and Firearms, the chief investigative agency for this fire, she offered to give or distribute a video that the ATF produced in collaboration with insurance company specifically about fires in houses of worship. The video has tips on how to protect the property from arson.

Presentation and possible approval of plan to assist ATF with dissemination of video
Ms. Rivera-Weiss asked the Commission for approval to assemble a list of churches and mosques to send the video to. Ms. Rivera-Weiss stated that the video is thirteen minutes long and it is narrated by a fire fighter, giving pointers on where a church might be vulnerable, for example, don't leave ladders outside unattended, don't leave combustibles, lock exits, watch candles and light fixtures.

Chair Saliba-Malouf recommended that San Francisco synagogues also be added to the tape distribution list.

Commissioner Salazar-Hobson added that the video be sent to all parochial schools of any faith as well.

Chair Saliba-Malouf asked that HRC Staff also work with Jill Tregor of Intergroup Clearinghouse to distribute this video to the Jewish community.

REPORT ON FIRST MEETING OF BACKLASH WORKING GROUP
Nichole Truax (HRC Staff), updated the Commissioners on the first meeting of the Backlash Working Group. Ms. Truax stated that the thirteen members of the group discussed several items including future meetings with the San Francisco Police Department, Fire Department, and community organizations regarding safety for Arab-American institutions. The group discussed the letter that was presented to the Commission by Ms. Rivera-Weiss. Transcripts and draft recommendations of the January

10 hearing was passed out to all members. The next backlash hearing is scheduled for May 14th at 1:00 pm and topic will be finalizing the recommendations.

Commissioner Chair Saliba-Malouf left at 5:55 pm. The quorum was not affected.

HRC HEIGHT AND WEIGHT ORDINANCE

Informational Presentation on Weight Discrimination

Larry Brinkin (HRC Staff) stated that a few meetings back, the Commission asked for an update on the Height and Weight Ordinance. He introduced Sondra Solovay, who has been working with the HRC for a few years. She is nationally known as an expert on weight discrimination and an author on the issue. Mr. Brinkin stated that Ms. Solovay will also be giving HRC Staff a training on May 16 on the issue of weight discrimination.

Ms. Solovay stated that she has been working in this field for twelve years, since she was in college. She stated that the word fat should be used just like the word thin. She stated that we have to examine the stereotypes that we hold about fat people and weight in general so we can recognize when we are acting on those stereotypes. Throughout her numerous trainings, the list of 'fat' stereotypes has not changed: Fat people are unhealthy, greedy, gluttonous, deviant, smelly, stupid, and lazy.

Ms. Solovay stated that National Institute of Health states that 90% of diet and exercise programs fail. Other studies put the failure rate of diet and exercise programs at 95% to 98%. She stated that almost everyone who loses weight will gain the weight back.

Ms. Solovay stated that we do not separate the issues of fatness and fitness. We think it is okay to tell fat people to try to lose weight. Another stereotype that we have about fat people is unattractiveness. This affects employment opportunities because people feel that fat people are not attractive. We need to broaden our definition of beauty.

Ms. Solovay stated that stated that many people are over the body mass index and that there are more fat people that thin.

Ms. Solovay stated that there are very few laws protecting fat people. Laws only exist in San Francisco, the State of Michigan, Washington D.C., and Santa Cruz. The areas of discrimination that are most important are employment, housing, and medicine. Ms. Solovay added that fat kids in school are teased and have low self-esteem.

Commissioner Knutzen thanked Ms. Solovay for her report.

Update on Height and Weight Discrimination Cases

Mary Gin Starkweather (HRC Staff) reviewed the cases that the HRC has been working on in the areas of Height and weight discrimination. First is the Jazzercize case, whereby a woman asked to be certified as a Jazzercize instructor and they told he that she had to be

more lean and have a more fit appearance in order to be a representative of their image. The HRC is mediating the case and both parties are to announce a resolution on May 6.

Another case involved the San Francisco Ballet School and an eight year-old girl whose mother alleged that the girl was turned down on the basis of her weight and height. The HRC staff conducted a mediation conference. Settlement proposals have been submitted and the HRC is very close to settling this issue without an investigation.

Another case involved a fat woman who was receiving derogatory messages via inter-office mail. The Human Resources division of the firm addressed the fat woman's feelings, but did not address the person who sent the offensive messages. The HRC contacted the company and gave them advice on how to handle future incidents.

There are other calls where people were not hired for front office positions and alleged that the prospective employers were looking at their body and making them feel uncomfortable.

Ms. Starkweather stated that it is important that we publicize this law in order to inform more people of their rights concerning height and weight discrimination.

Commissioner Hsu and Salazar-Hobson left at 6:19 pm. The quorum was lost. The meeting was officially adjourned and remaining members stayed for discussion.

Commissioner Knutzen stated that a member of the public would like to speak and called Shelley Bell.

Shelley Bell
Ms. Bell, Executive Director of the Bayview Opera House, spoke on the issue of the firing of Tammy Haygood. Ms. Bell alleged that the Elections Committee held a secret meeting in January to conspire to fire Ms. Haygood and that the Elections Commission's relationship with Ms. Haygood was abusive and harassing. Additionally Ms. Bell felt that Ms. Haygood's rights were violated under the Brown Act. Ms. Bell stated that Ms. Haygood has done the best job that anybody could do with a department that has as many problems as that, and that her firing was racially motivated. Ms. Bell stated that the Elections Commission does not reflect the people of this City and that we have an issue that we must deal with before we have problems.

COMMITTEE REPORTS
Lesbian Gay Bisexual Transgender Advisory Committee
Report of April 16, 2002 Committee Meeting
Commissioner Knutzen stated that the committee welcomes their new members. The group is comprised of 24-25 members and is a very good, active group. There will be a retreat in May. A resolution was passed in memory of Barbara Cameron, which will be presented to the Commission at a future meeting when a quorum is present. Per the Director, the committee discussed the Racial Privacy Initiative.

Issues Committee
Report of April 10, 2002 Committee Meeting
Commissioner Sparks stated that the Committee is working on the issue of the Racial Privacy Initiative; putting together a panel on hate violence; and many presentations on racial profiling.

Commissioner Baghdassarian stated that there was sadness to find out that Jill Tregor would no longer be able to serve on the committee. Ms. Tregor has been on the committee for the past fifteen years and has been an incredible resource for the Committee.

MBE/WBE/LBE Advisory Committee
Report of April 17, 2002 Committee Meeting
Report postponed for next Commission meeting.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
There was no discussion.

ADJOURNMENT
The meeting was adjourned in honor the Armenians who have perished in the genocidal campaign against the Armenian population at 6:35 p.m.

NEXT MEETING

DATE: May 9, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

MAY 6 2002

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, May 9, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

   a. Approval of minutes of Commission Meeting of April 25, 2002
   [➲Action Item *Attachment to be provided at meeting*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
   [◎Discussion Item]

7. REPORT OF THE DIRECTOR

   a. Chapter 12.D.A. Waiver Report for April (Fields)
   [◎Discussion Item *Attachment to be provided at meeting*]
   b. Discussion and possible action regarding need for hearing on race discrimination issues in San Francisco
   [◎Discussion Item ➲Action Item *No attachment*]

8. DISCUSSION AND POSSIBLE ADOPTION OF LETTER TO AIRPORT COMMISSION CONCERNING KTVU CHANNEL 2 INTERVIEW BETWEEN ROSS MCGOWAN AND AIRPORT SPOKESPERSON RON WILSON REGARDING RACIAL PROFILING AT SAN FRANCISCO AIRPORT (Truax)
   [◎Discussion Item ➲Action Item *Videotape to be viewed at meeting - Attachment to be provided at meeting*]

9. DISCUSSION AND POSSIBLE APPROVAL OF RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS
   [◎Discussion Item ➲Action Item *Attachment provided*]

10. DISCUSSION AND POSSIBLE APPROVAL OF LETTER OF CONCERN TO AGENCIES INVESTIGATING THE POSSIBLE ARSON FIRE OF AN OAKLAND SYNAGOGUE ON MAY 4, 2002
[◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

11. HRC DIVISION REPORT
    a. Equal Opportunity Division:
        i. HRC's review process of the Mayor's Office of Community Development Contracts including a report on Cameron House Project (Wong)
        [◎Discussion Item]

12. COMMITTEE REPORTS

    a. Lesbian Gay Bisexual Transgender Advisory Committee
    Commissioner Martha Knutzen, Chair
    Commissioner Theresa Sparks, Vice Chair
    Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

        i. No Report.
        ii. Discussion and possible adoption of resolution honoring the memory of Barbara Cameron
        [◎Discussion Item ➲Action Item *Attachment provided*]

        NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, May 21, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

    b. Employment Committee
    Commissioner Larry Lee, Chair
    Commissioner Wilfred Hsu, Vice Chair
    Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

        i. Report of May 2, 2002 Committee Meeting
        [◎Discussion Item]

        NOTE: *The next meeting of the Employment Committee will be held on Thursday, June 6, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

c. Issues Committee
Commissioner Theresa Sparks, Chair
Commissioner Haig Baghdassarian, Vice Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. No Report.

NOTE: *The next meeting of the Issues Committee will be held on Wednesday, June 12, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. No Report.

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, May 15, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. Report of May 1, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, June 5, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

NEXT MEETING: THURSDAY, MAY 23, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Wilfred Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

May 2, 2002

DRAFT

DOCUMENTS DEPT.

MAY 6 2002

SAN FRANCISCO
PUBLIC LIBRARY

Mr. Henry E. Berman, President
Airport Commission
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128-8097

Dear Mr. Berman:

The San Francisco Human Rights Commission ("HRC") is writing to express its deep concern about the racial profiling comments Ron Wilson, SF Airport Spokesman, made to Ross McGowan on the April 24, 2002, "KTVU Mornings on 2" show.

Based on the numerous accounts of hate-motivated violence following September 11th, HRC and the Board of Supervisors' Economic Vitality, Small Business and Social Policy Committee held a joint hearing on January 10, 2002 entitled, "Backlash, Violence, Human Rights Violations & Discrimination in the Wake of September 11, 2001." At the hearing, several people testified about the discriminatory treatment they received at airports, including SFO. Additionally, organizations like the Arab American Attorney Association shared accounts of discrimination from the people they serve. The accounts ranged from people being pulled out of line and searched to people being told that there was not enough security for them to fly that day.

Mr. Wilson made the following statements on the necessity of racial profiling:

- "I think you're going to have to eventually profile."
- "Yeah, you're going to have to profile."
- "They're right, why a, 67-year-old woman uh with a couple of her grandkids on each arm you know doesn't pose much of a risk or at least not apparently, but uh you know you look at a Middle Eastern individual, are you not going to uh randomly check that person? It's going to end up to be some sort of profiling."

Comments like these only add to the backlash against Arab Americans, Muslims, people of Middle Eastern descent and those perceived as Middle Eastern. These comments are even more disturbing because they come from a spokesperson of a City department—this could have the effect of legitimizing racial profiling.

We trust that Mr. Wilson's statements do not reflect the policy of San Francisco International Airport. Any type of security check that requires Airport personnel to question, search, and/or detain any individual should be random. San Francisco

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

prides itself on its diversity and any policy that negatively targets a particular group hurts our City.

We look forward to receiving a response from the Airport Commission regarding Mr. Wilson's comments and the Airport's policy on racial profiling. If you have any questions, please feel free to contact HRC's Executive Director, Virginia Harmon, at (415) 252-2511.

Sincerely,

Ghada Saliba-Malouf
Commission Chair

DRAFT

Rules of Procedure

DOCUMENTS DEPT.
MAY 6 2002
SAN FRANCISCO
PUBLIC LIBRARY

for

Complaints of Discrimination
Filed under the provisions of

San Francisco Administrative Code Chapters 12A, B, C & H
San Francisco Police Code Articles 33 & 38

City and County of San Francisco

Human Rights Commission

Issued: May 9, 2002

HRC Rules and Regulations for employment and public accommodations Complaints of Discrimination occurring in San Francisco; and Complaints involving City contractors' operations outside of San Francisco on City-owned property or where work is being performed on a City contract; and Complaints for violation of laws concerning immigration status.

Summary: The Human Rights Commission ("HRC") adopts these rules and regulations pursuant to Sections 12A.10; 12B.2.(g)(9); 12B.3; 12C.3.(8); 12C.4; and 12H.4 of the San Francisco Administrative Code and Sections 3307(a); 3811(a) and 3856(a) of the San Francisco Police Code. These regulations supersede all existing regulations and administrative requirements implementing the nondiscrimination provisions of Administrative Code Chapters 12A, 12B (excepting 12B.2.(b) "Equal Benefits" which is governed by a separate set of HRC Rules), 12C, and 12H, and/or Police Code Article 33 and/or Article 38, that the Human Rights Commission or any other department of the City and County of San Francisco has issued prior to the effective date of these regulations.

I. POWERS OF THE COMMISSION

The powers of the Human Rights Commission shall mean the power and authority granted by the City Charter and ordinances, including the authority to mediate and investigate matters within its jurisdiction.

II. SCOPE OF RULES

These rules govern complaints brought under San Francisco Administrative Code Chapters 12A, 12B, 12C and 12H and Police Code Sections Articles 33 and/or 38 except that these rules shall not apply to complaints brought under San Francisco Administrative Code 12B.2.(b)[Equal Benefits]. If any Ordinance sets forth rules or procedures inconsistent with these rules, these rules shall supplement such Ordinance and shall govern only where they are consistent with such Ordinance.

III. DELEGATION OF POWERS

Where the City Charter or ordinances identify the "Human Rights Commission" as responsible for certain powers or duties, these powers or duties may be delegated to the Chairperson or Director, unless otherwise prohibited by law or by these Rules.

IV. DEFINITIONS

"**Chairperson**" means the Chairman or Chairwoman of the Human Rights Commisson.

"**City**" means the City and County of San Francisco.

"**Commission**" means the Human Rights Commission of the City and County of San Francisco and includes any Commissioner, officer, employee, or other individual delegated any function, power, or duty of the Commission.

"**Commissioner**" means any member of the HRC, including the Chairperson.

"**Complainant**" means a person who files a complaint claiming to be aggrieved by an Unlawful Discriminatory Act(s).

"**Complaint**" means a verified recitation of allegations filed with the HRC pursuant to San Francisco Administrative Code Chapters 12A, 12B, 12C and 12H and Police Code Articles 33and/or 38 by a person alleging an Unlawful Discriminatory Act. It also means a complaint filed by the HRC or other person with standing to file a complaint under said laws.

"**Deliver**" or "**Mail**" includes, but is not limited to, sending something by facsimile (FAX) or electronic mail (e-mail)as allowed by the rules set forth in Rule V.C.

"**Director**" means the Director of the HRC, who is the executive officer or acting executive officer of the HRC.

"**HRC**" means the Human Rights Commission of the City and County of San Francisco and includes any Commissioner, officer, employee, or other individual delegated any function, power, or duty of the Commission.

"**Party**" includes Complainant, Respondent(s), and any person who has been allowed to intervene in the complaint process.

"**Person**" includes one or more individuals, firms, partnerships, nonprofit associations, associations, governmental entities, corporations, or legal representatives.

"**Respondent**" means any person who is alleged to have committed an unlawful discriminatory action or practice in a complaint filed with the HRC.

"**Response**" means the Respondent's written answer, filed with the HRC, to the Complainant's allegations.

"**Unlawful discriminatory act**" means an action, series of actions or practice that violates a person's rights under the nondiscrimination provisions of Administrative Code Chapters 12A, 12B, 12C, 12H and/or Police Code Articles 33 and/or 38.

V. FILING PAPERS WITH THE HRC

A. Address. To file a document with the HRC, a party may submit the document to the Human Rights Commission, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102-6033. When a rule requires something to be mailed or delivered to the HRC, it may be mailed or delivered, unless otherwise specified, to the Director or to the HRC staff assigned to process the complaint.

B. Mailing. Filing of a document is effective if the document is mailed to the HRC by first class, overnight or express mail, registered, or certified mail, postmarked no later than the last day of the applicable time limit. Where mail is metered and bears a later postmark, the date of the postmark shall control for timeliness purposes.

C. Fax or email. Filing of a document is also effective if it is delivered or sent by facsimile transmission (fax) or electronic mail (e-mail) on or before the last day of the

time limit. If the document is filed by fax or e-mail, the sender shall also place a hard copy of the document in the mail to the HRC, postmarked no later than the last day of the time limit. Any document filed by fax or e-mail shall bear a notation of the date and place of transmission, the fax number or e-mail address where appropriate, to which it was transmitted, and, for fax documents, the total number of pages transmitted.

D. Computation of time periods. In computing time periods prescribed in these rules, each calendar day shall be counted. The day of the event which starts the time period running is not counted, but the last day of the period is included. If the last day of the period falls on a Saturday, Sunday, or a legal holiday (as proclaimed by City), the time period expires at the corresponding time on the next business day.

E. Application to HRC. The rules contained in this Rule V. also shall apply to all notices, HRC decisions and other papers required to be sent by the HRC pursuant to these Rules.

F. Extensions of time. The Director shall have the authority to grant extensions of time for the performance of any act under these rules when the interests of justice so require.

G. Service. Parties are required to file all documents with the HRC. The HRC shall effect service upon all parties. Nothing in this rule is intended to discourage parties from providing courtesy copies of documents they file with the HRC to other parties, but no party shall be obliged to effect service directly upon any other party.

VI. FILING A COMPLAINT

A. Who may file a complaint.

1. Aggrieved person. An aggrieved person is any person who alleges being aggrieved as a result of Unlawful Discriminatory Acts.

2. Claims on behalf of others. Except for an authorized (by HRC) representative, such as an attorney, parent or guardian, disability assistant, or interpreter, no person may file a complaint on behalf of someone else. Persons who wish to bring alleged violations to the attention of the HRC but who have not been personally harmed may submit information in writing which the HRC in its sole discretion may decide to investigate.

3. HRC initiated investigations. The HRC may, in its sole discretion, investigate possible Unlawful Discriminatory Acts on its own initiative.

4. Exhaustion. Parties shall exhaust available internal grievance procedures before filing a complaint, unless the HRC excuses this requirement as impractical or for other good cause. However, parties must present their complaint to the HRC within the applicable statute of limitations, as provided in Rule VII, in order to preserve the timeliness of their complaint while exhausting available internal grievance procedures.

B. Claims arising out of the same or similar facts.

1.Group claims. A group of individuals who make a complaint of discrimination together shall have the complaint treated as individual complaints by each individual, but the matter may, at the discretion of the HRC, be filed as a single complaint and conducted as a single investigation.

2.Consolidated claims. Complaints from individuals based on identical or similar facts may be consolidated by the HRC for the purposes of investigation

3.Claims in other forums. Where a party has filed or, subsequent to filing with the HRC files, a claim with another local, State or Federal agency or agencies arising out of the same facts and involving the same parties, the HRC has the discretion whether to proceed with the Complaint or to hold the Complaint in abeyance pending the resolution of the issue in such other forum. HRC shall provide written notice to the parties whenever action on a Complaint is so suspended.

C. Elements of a complaint.

1. Complaint defined. A complaint is a written statement signed and verified by the Complainant that alleges specific Unlawful Discriminatory Acts and which is based on the person's actual or perceived membership in or association with persons with actual or perceived membership in, one or more of the protected categories enumerated in Administrative Code Sections 12B.1.(a), 12C.1(a), 12H.2-1; Police Code Sections 3303(a), 3304(a), 3305(a),and/or 3801, or for retaliation against a person for their opposition to Unlawful Discriminatory Acts.

2. Complete Complaint. To be complete, a complaint must be in writing and include:
a. the name of the Complainant(s);
b. the protected category(ies) that is the basis for the alleged Unlawful Discriminatory Act(s);
c. the specific actions, practice(s) or incident(s) alleged to be discriminatory and when they occurred; and
d. the signature of the Complainant, verifying under penalty of perjury the truth of the allegations.

D. Defective complaint. The HRC may, in its sole discretion, disregard any error or defect in the complaint, as enumerated in Rule VI.C.2. above, that does not substantially affect the rights of the parties, except that the HRC shall not waive the requirement for verification. The Complaint of any Complainant who fails or refuses to verify the complaint shall be dismissed without prejudice. A defective complaint, once timely amended to cure the defect, shall be deemed to have been filed on the date the initial defective complaint was filed. Nothing in this rule shall be interpreted to permit a party to engage in dilatory or delaying tactics to obstruct the prompt investigation of complaints.

E. Lodging a complaint. To preserve a timely complaint while pursuing informal resolution of issues underlying the complaint, a person may contact the HRC and sign an informal statement setting forth the general nature of the alleged unlawful discrimination with the proviso that the party will activate a formal Complaint or withdraw the allegations within thirty (30) days. For purposes of computing timeliness of a complaint, the date of the Complaint will be the date the party presented the signed, informal statement to the HRC. Lodged complaints not activated thirty (30) days will be dismissed without prejudice.

F. Coordination with other proceedings. Complainants should not assume that filing or lodging of a complaint with the HRC shall or shall not toll the statute of limitations for any cause of action in any other judicial or administrative forum.

G. Communications not to be considered as complaints. The following types of communications do not constitute a complaint.

1.Oral allegations that a person refuses to put in writing or sign, despite offers of assistance from HRC;
2.General inquiries that seek advice about what a person's rights might be in a hypothetical situation;
3.Third party or anonymous correspondence;
4.Copies of allegations submitted to others (Mayor, legislator, community organization, etc.);
5.Documents received by fax or e-mail that are not followed up with a signed original as required by Rule V.C.

Nothing in these rules is intended to discourage any person from informally complaining to the HRC or presenting information regarding possible violations of the laws enforced by the HRC. However, only formal complaints filed in conformance with Rule VI shall entitle the Complainant to the procedural rights set forth herein.

VII. TIMELINESS OF COMPLAINTS

A. Any complaint based on a violation of Police Code Article 33 shall be brought within one (1) year of the alleged discriminatory acts;
B. Any complaint based on a violation of Police Code Article 38 shall be brought within two (2) years of the alleged discriminatory acts; and
C. All other complaints shall be brought within one (1) year of the alleged discriminatory acts.

VIII. AMENDING COMPLAINTS

The Complainant may amend a complaint at any time prior to resolution. HRC shall serve all amended complaints on Respondents with instructions concerning which allegations of the amended complaint, if any, Respondent shall answer, and the time when the verified response is due. If the amendment occurs before the Respondent has answered, the Respondent shall be served with and shall respond to the amended complaint. The Respondent's time for filing a response shall start upon service of the amended complaint.

IX. WITHDRAWING COMPLAINTS

A Complainant may withdraw a complaint at any time prior to resolution. HRC shall notify the Respondent in writing within 5 days when a complaint has been withdrawn. A complaint may be withdrawn without prejudice, but nothing in these Rules shall require the HRC to accept a new complaint alleging substantially identical conduct if the Complainant has engaged in repeated or unwarranted withdrawal and resubmission of complaints.

X. RESPONSE TO COMPLAINT

A. Who may file. The Respondent(s) or an authorized representative shall file a verified response to the Complaint or amended complaint in writing.

B. Contents. A response shall contain the following:

1. the full name and title, where applicable, of the Respondent(s).
2. the name, address, and telephone number of the Respondent's representative, if any.
3. a specific admission or denial of each allegation contained in the complaint. If the Respondent does not have knowledge or information sufficient to form a belief as to the truth of a particular allegation, the Respondent shall so state and such statement shall operate as a denial of the allegation.
4. a statement of any matter constituting an explanation or affirmative defense.
5. the signature of the Respondent or authorized representative, verifying under penalty of perjury that the response is true and complete to the best of the signatory's knowledge and belief.

C. Time, place and manner of responding. The response shall be filed within twenty one (21) calendar days from the date of service of the complaint. Respondent may ask for an extension of this deadline for good cause, which the HRC may grant in its discretion. The HRC shall provide a copy of the response to the Complainant after redacting any confidential information.

D. Amendment of response. The Respondent, at the discretion of the Commission staff, may amend its response. The HRC shall provide a copy of the amended response to the Complainant after redacting any confidential information.

E. Failure to respond to a complaint. Any party who fails to file a response to a complaint or amended complaint may be held to be in default. A party in default has no right to present evidence to controvert the allegations in a complaint. However, the HRC shall enter findings of unlawful discrimination after default only upon proof of the allegations in the complaint, which may include the express admissions of the defaulting party, judicially noticeable facts, or other probative evidence supporting a finding of fact.

F. Parties to keep addresses and contact information current. All parties shall keep the HRC advised of their current telephone number(s) and mailing address(es). Complainants shall provide the HRC their telephone number(s), mailing addresses and addresses at which they can be personally served at the time they verify the Complaint and shall notify the HRC of any changes of addresses and telephone numbers during the investigation and administrative adjudication of the complaint. Complainant's failure to maintain current contact information may result in dismissal of the Complaint, with prejudice.

G. HRC notice. When serving the complaint on the Respondents, the HRC shall notify Respondents in writing that a complaint has been filed against them, that they are required to file their telephone numbers and mailing addresses and addresses at which they can be personally served with the HRC, and that they must notify the HRC of any changes of addresses or telephone number during the investigation and administrative adjudication of the complaint. Respondent's failure to maintain current contact information may result in entry of findings adversely affecting the Respondents' interests. See Also Section X.E.

H. Confidentiality of information. The HRC shall keep any confidential statement submitted by a party or the identity of any person who submits such a statement, and shall keep confidential to the fullest extent permitted by law such things as the home address and/or home telephone number of any Complainant or Respondent, Complainant's HIV status or other medical information, and Complainant's immigration status.

XI. ADMINISTRATIVE CLOSURE:

A. Jurisdiction. As soon as practicable after a person makes allegations of alleged Unlawful Discrimination Acts to the HRC, and no later than five (5) days after the filing of a verified complaint, HRC shall make a full and prompt assessment of whether the HRC has jurisdiction over the subject matter of the Complaint. If the HRC determines that it lacks jurisdiction the HRC shall advise the Complainant and all parties served in connection with the complaint of the administrative closure. The HRC may, in its sole discretion, issue a letter of concern about the matter and/or offer to assist the parties informally to resolve their dispute.

B. Prima facie case. Within 60 days of the filing of a verified complaint, and after mediation has been offered and has either been rejected, delayed, or has taken place but failed to achieve resolution, HRC shall determine whether the evidence is sufficient to establish a prima facie case of unlawful discrimination. Where there is insufficient credible evidence to conclude that an Unlawful Discriminatory Act or Acts may have occurred, HRC staff shall close the matter and dismiss the complaint. Any party may request reconsideration of administrative closure by filing a short statement, in writing, with the Director within fifteen (15) days showing why the administrative closure was unwarranted. The Director's decision shall be final.

C. Investigation. If the HRC finds that there is jurisdiction and sufficient credible evidence to conclude that unlawful discrimination may have occurred, the HRC shall proceed to investigate the Complaint. (See Section XIII)

XII. MEDIATION

A. Mediation defined. Mediation refers to a process whereby the HRC staff acts as a neutral third party to encourage and facilitate the resolution of a dispute between two or more parties. It is a voluntary, informal, and nonadversarial process with the objective of helping the disputed parties reach a mutually acceptable agreement. In mediation, decision making authority rests with the parties. The role of the HRC as mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring resolution alternatives.

B. Initiating mediation. At any time after allegations of discrimination are presented to the HRC, any party may make a request to the HRC for mediation. Upon receipt of a request for mediation, or on its own initiative where the HRC determines that mediation might be productive, the HRC shall ascertain if all parties agree to attempt resolution through mediation. If all parties to the dispute, or all parties concerned with a specific issue in the dispute agree to mediation, the HRC shall appoint a staff member to act as mediator.

Nothing in these Rules precludes the parties from discussing settlement whether or not mediation has been convened.

Before investigating a complaint, staff shall strongly encourage the parties, when appropriate, to participate in mediation to resolve the dispute.

C. HRC as neutral mediator. The HRC mediator shall maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias by word or by action, and a commitment to serve equally the interests of all participants. An HRC staff member who has investigated a complaint may serve as neutral mediator as long as he or she is not privy to confidential information or his or her ability to remain neutral has not been otherwise compromised. Any party who believes that the HRC mediator cannot be neutral may request that the HRC substitute a mediator who has not been involved in any stage of the Complaint. If the HRC does not provide a substitute mediator, the party may refuse to mediate.

D. Date, time and place of mediation. In consultation with the parties, the mediator shall fix the date, time and place of mediation. The mediation process may be in the form of an in-person session with the parties present and staff acting as mediator, or staff may attempt to negotiate a resolution between the parties by mail and/or phone. Mediation sessions shall be held at the HRC or at any convenient location agreeable to the parties and the mediator.

E. Attendance at mediation. All involved parties shall attend the mediation session(s). A party other than a natural person (e.g. a business, club or corporation) satisfies this attendance requirement by sending a representative familiar with the facts of the case who has the authority to negotiate and effectively recommend settlement to the business or other entity involved.

Any party to the mediation may have the assistance of an attorney or other representative. Other persons may attend only with the consent of the mediator.

F. Confidentiality of mediation. Except as otherwise required by law, anything said, any admission made, and any document prepared in the course of, or pursuant to, mediation is a confidential communication. Each party to the mediation has a privilege to refuse to disclose and to prevent another from disclosing mediation communications. The HRC mediator may not disclose any statement, conduct, or decision occurring at, or in conjunction with, the mediation in any subsequent administrative proceedings or appeals or in any civil action unless all parties to the mediation consent to the disclosure.

G. Agreements. Parties to mediation are strongly encouraged to memorialize agreements resolving the mediated dispute in writing, either in formal agreements signed and dated by the parties or an authorized representative of the party or parties, or by letter issued by the HRC. The HRC shall assist parties in drafting agreements.

H. Termination of mediation. Any party or the HRC may terminate the mediation at any time by notifying the mediator (if applicable) and other parties. If any party or the HRC terminates the mediation, or if the mediation does not result in resolution, the parties shall resume the same status as before mediation and the matter shall proceed as if mediation had not taken place. At the request or agreement of all parties, mediation may resume at any time in the process.

I. Investigation after mediation. If mediation is attempted but fails to resolve the matter, staff shall decide whether to investigate the complaint. Due to the potential exchange of confidential information during mediation, any party may request that the staff who has acted as mediator not serve as investigator on the same matter unless all parties to the dispute agree. The Director or Director's designee shall make this determination.

XIII. INVESTIGATION

A. Length of time for investigation. Staff shall endeavor to complete the investigation within 120 days. If the scope of the investigation and the availability of witnesses require a longer investigation, the HRC shall notify the parties. Any party may request to mediate the matter at any point in the investigative process. The HRC shall commence mediation upon the agreement of all parties.

B. Investigation plan. Staff shall create a written investigation plan specifying the names of any witnesses to be interviewed, documents to request, and/or sites to be visited. Staff shall send the investigation plan to the parties with a request for suggestions for other witnesses and documents to be examined.

C. Witness interviews. Staff shall work with Respondent to create a mutually convenient schedule for interviewing Respondent employees. Interviews may be conducted at the Respondent site if an office or conference room is provided. Staff shall prepare questions that will ascertain the scope of the witnesses' expertise and relevance to the matter in question, and which will elicit information helpful to staff understanding of the issues and allegations presented in the complaint. Interviews are informal in nature in that in most cases witnesses are not sworn in (though they are asked to tell the truth) and no court reporter is present. Respondent attorneys may be present for interviews of managerial or supervisory employees, and any witness may have an attorney present if they so desire.

Witnesses who are not in the Bay Area may respond to written interrogatories prepared by HRC staff.

D. Document review. HRC staff may request relevant documents from Complainant and/or Respondent or any other person or company. HRC staff will consider any requests for redaction because of concerns for confidentiality.

E. Subpoena power. The HRC has subpoena power under City and County of San Francisco Charter section 4.107. Subpoenas will be issued only if necessary because of refusal of any person to provide information relevant to the case, witness testimony or submittal of documents.

F. Conclusion of investigation. After the evidence is gathered, the staff member refers the complaint, the evidence, and his or her analysis and recommendations to the Director or the Director's designee, for independent review possibly culminating in a written finding and recommendation of sanctions, as appropriate.

XIV. DIRECTOR'S FINDING

A. Director's options. Upon review the Director shall:

1. issue a Director's Finding which will consist of written findings and recommendation of any appropriate sanctions, **or**
2. return the file to the staff member with instructions for further investigation and analysis, **or**
3. decide that a Director's Finding is not in order and direct the staff member to administratively close the Complaint.

A. Recommendation of sanctions. Upon a final Director's Finding of an Unlawful Discriminatory Act(s), the Commission shall recommend that, in the case of the Respondent being a City contractor or subcontractor, the awarding agency notify the violator that unless the violation is corrected to the satisfaction of the person(s) who made the finding or decision within such reasonable period as the Commission shall determine, corrective action will be taken as provided by Chapters 12A, 12B, 12C and 12H of the Administrative Code of the City and County of San Francisco, and Articles 33 and 38 of the San Francisco Police Code.

B. Notification. The HRC shall mail copies of the Director's Finding or administrative closure to all parties within 10 days of the decision. Written notice of the right to petition to appeal and a copy of these Rules shall be included.

C. Director's Finding is final. The Director's Finding or administrative closure shall be final unless the Commission vacates his or her decision on appeal.

XV. PETITION TO APPEAL

A. Filing. A Complainant or Respondent who is aggrieved by the Director's Finding or administrative closure may file an appeal with the Commission. Such appeal must be made within 20 days of the mailing of the decision and findings. The appeal shall be in writing and must state the grounds for appellant's claim that there was either error or abuse of discretion on the part of the Director. The filing of an appeal will not stay the effect of the Director's Finding.

B. Response to petition. The Chair of the Commission shall, if he or she deems it necessary, request the Director to prepare a written response to the petition within fifteen (15) days.

C. Copies. The HRC shall send copies of the petition and the response to all appropriate parties.

XVI. APPEAL HEARING PROCEDURES

A. Acceptance or denial by Chair. The Chair of the Commission, in consultation with the City Attorney, shall summarily dismiss any appeal in which the appellant fails to provide evidence demonstrating a substantial question requiring a full hearing to determine whether the Director's determination should be overturned. The Chair of the Commission shall have the discretion to grant or deny any other petition to appeal. In deciding whether to hear an appeal, consideration shall include, but is not limited to, fairness to the parties, hardship to either party, and/or promotion of the policies and purposes of the relevant ordinance(s) or article(s). The Secretary of the Commission shall promptly inform the appellant of any such determination.

B. Selection of the hearing officer. A hearing officer shall be selected by the Commission.

C. Setting the hearing. In all other cases, a hearing shall be set by the Hearing Officer within thirty (30) days of a request for an appeal before the Commission. Notice of the time, date and place of the hearing shall be made to the parties in writing by mail not less than ten (10) business days prior to the date of hearing, and shall inform the parties of their right to representation by counsel. The hearing officer may continue the hearing for a period not to exceed thirty (30) days upon agreement of the parties or a showing of good cause.

D. Convenience. The hearing shall be held at a time and place with due regard to the convenience of the parties and witnesses.

E. Authority and responsibilities of hearing officer. The Hearing Officer shall propose findings and conclusions to the Commission on the basis of the record. In order to do so, he/she shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. The Hearing Officer shall have all powers necessary to those ends, including, but not limited to, the power to:

1. Hold conferences to settle, simplify, or determine the issues in the proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by the consent of the parties or upon the motion of the Hearing Officer;

2. Require parties to state their position with respect to the various issues in the proceeding;

3. Require parties to produce for examination those relevant witnesses and documents under their control;

4. Administer oaths;

5. Rule on motions, and other procedural matters;

6. Regulate the course of the hearing and conduct of participants therein;

7. Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

8. Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

9. Fix time limits for submission of written documents and extend time limits established by these regulations upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

10. Impose appropriate sanctions against any party or person failing to obey an order under these rules. Sanctions may include:

(a) refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(b) excluding all testimony of an unresponsive or evasive witness or determining that the answer of such witness, if given, would be unfavorable to the party having control over him or her; and

(c) barring any party or person from further participation in the hearing.

11. Take official notice of any material fact not appearing in evidence in the record that is among the traditional matters of judicial notice;

12. Request the Commission to issue subpoenas;

13. Take any action authorized by these rules.

F. Representation by counsel. The parties or other persons participating pursuant to this section have the right to be represented by counsel.

G. Appearance of witnesses.

1. A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue, shall serve the prospective witness a notice. The notice may be accompanied by an administrative subpoena issued by the Commission setting forth the time, date and place at which the witness is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring to the hearing, if any. A copy of the notice shall be filed with the Hearing Officer and additional copies shall be served upon the opposing parties.

2. It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time, place, and date set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

3. The party or prospective witness may file an objection within five (5) business days after the issue of notice specified in Section XIX.F.1, stating with particularity the reasons why the party cannot produce a requested witness or requested documents. The party serving the notice may move for an order with respect to such objection or failure to produce a witness or documents.

H. Evidence and testimony. Formal rules of evidence shall not apply, but rules and principles designed to assure production of the most probative, relevant, and material evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. Witnesses shall be available for cross examination, and at the discretion of the Hearing Officer, may be cross-examined without regard to the scope of direct examination as to any matter that is relevant and material to the proceeding. The Hearing Officer may exclude evidence that is immaterial, irrelevant, or unduly repetitious.

I. Objections, exceptions, and offers of proof.

1. If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross examination or the failure to limit such scope, the objecting party shall state briefly the grounds of such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

2. Formal exception to an adverse ruling is not required. Rulings by the Hearing Officer shall not be appealed prior to the transfer of the case to the Commission, but shall be considered by the Commission upon the filing of exceptions to the Hearing Officer's recommendations and conclusions.

3. An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence that counsel contends would be adduced by such testimony and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

J. Ex parte communications. The Hearing Officer shall not consult any person or party on any fact at issue unless upon notice and opportunity for all parties to participate. No employee or agent of the City and County of San Francisco who engaged in the mediation or investigation of this case shall participate or advise in the rendering of the Hearing Officer's or Commission's decision in the case, except as witness or counsel in the proceeding.

K. Oral argument. Prior to the termination of the hearing any party is entitled to request oral argument. Oral arguments shall be included in the official transcript of the hearing.

L. Official transcript. The official transcripts of the testimony taken, together with any exhibits, briefs, or memoranda of law, shall be filed with the Hearing Officer. The parties and the public as provided by state law may obtain transcripts of testimony from the official reporter. Upon notice to all parties, the Hearing Officer may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

M. Participation by interested persons.

1.Interested persons shall have the right to participate as parties to the proceeding if the final decision by the Commission could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

2. Any persons wishing to participate as a party under this section shall file with the Hearing Officer and serve on all parties a petition within twenty-five (25) days after the commencement of the appeal or at such other time as ordered by the Hearing Officer, so long as it does not disrupt the proceeding. Such petition shall concisely state (a) petitioner's interest in the proceedings; (b) who will appear for the petitioner; (c) the issues on which the petitioner wishes to participate; and (d) whether petitioner intends to present witnesses.

3. The Hearing Officer shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate are made by persons with common interest, the Hearing Officer may request all such petitioners to designate a single representative to represent all such petitioners. The Hearing Officer shall give each petitioner written notice of the decision on the petition and if the petition is denied the Hearing Officer shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Hearing Officer shall give written notice to each party of each petition granted.

4. Any interested person wishing to participate as amicus curiae shall file a petition before commencement of the hearing by the Hearing Officer. Such petition shall concisely state: (a) the petitioner's interest in the hearing; (b) who will represent the petitioner; and (c) the issues on which petitioner intends to present argument. The Hearing Officer may grant the petition if the Hearing Officer finds that the petitioner has a legitimate interest in the proceedings and that such participation may contribute

materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided herein.

5. An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Hearing Officer. The amicus curiae may submit a written statement of position to the Hearing Officer prior to the beginning of a hearing and shall serve a copy on each party. The amicus curiae may submit a brief or written statement at such time as the parties submit briefs and exceptions and shall serve a copy on each party.

XVII. POST-HEARING PROCEDURES

A. Proposed findings of fact and conclusions of law. Within twenty (20) business days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Hearing Officer. Requests for additional time in which to file shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions of time shall be received not later than three (3) business days before the date such briefs are due. No reply brief may be filed except by special permission of the Hearing Officer.

B. Record for recommended decision. The transcript of testimony, exhibits and all papers, documents and requests filed in the proceedings, including briefs, but excluding any correspondence regarding procedural matters, shall constitute the record for decision.

C. Recommended decision. Within a reasonable period of time after the filing of briefs, the Hearing Offer shall recommend findings, conclusions, and a decision. These recommendations shall be forwarded, together with the record, to the Commission for final decision. The recommended findings, conclusions and decision shall be served on all parties and amici to the proceeding.

D. Exceptions to the recommended decision. Within fourteen (14) business days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within fourteen (14) business days of their receipt by said parties. All exceptions and responses shall be filed with the Commission. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Commission for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later that three (3) business days before the exceptions and responses are due.

XVIII. ACTION BY THE COMMISSION

A. Final decision. After expiration of the time for filing briefs and exceptions, the Commission shall make a final decision on the basis of the record. The record shall consist of the record for the recommended decision, the rulings and recommended decision of the Hearing Officer and the exceptions and briefs filed subsequent to the Hearing Officer's decision.

B. Oral argument. The Commission may hear oral argument by the parties if it decides that such argument will aid in the resolution of the issues.

C. Commission vote. After hearing oral argument, if such argument is permitted, and after full consideration of the record, the Commission shall vote to adopt, reject, or adopt with modifications the Hearing Officer's recommended decision concerning the Director's Findings. The Commission may take such additional action as will effectuate the purposes of the Ordinance and its decision shall constitute the final administrative action in the case.

XIX. SEVERABILITY

These rules shall be construed so as not to conflict with applicable local, state, or federal laws, rules or regulations. In the event that a court or agency of competent jurisdiction holds that a local, state or federal law, rule or regulation invalidates any clause, sentence, paragraph or section of these rules or the application thereof to any person or circumstance, it is the intent of the Commission that the court or agency sever such clause, sentence, paragraph or section so that the remainder of these rules shall remain in effect.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JUL 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, May 9, 2002

DRAFT

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm A. Heinicke
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:34 p.m.

ROLL CALL

Commissioners Present
Ghada Saliba-Malouf, *Chair*
Haig Baghdassarian (arr. 4:38 pm)
Shirley Dimapilis
Malcolm A. Heinicke
Martha Knutzen (arr. 4:36 pm)
Antonio Salazar-Hobson (left 6:01 pm)
Theresa Sparks
Charles Ward

Commissioners Excused
Larry Lee, *Vice Chair*
Wilfred W. Hsu

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin, James Fields, Zula Jones, Veronica Ng, Diana Rathbone, Melinda Wesley and Gary Wong

Guests Present
Catherine Barnes, Deputy City Attorney; and Mehnaz Saiyed (HRC Intern)

A quorum was present.

APPROVAL OF MINUTES

Approval of minutes of Commission meeting of April 25, 2002
The minutes of HRC Commission meeting of April 25, 2002 were continued for the next meeting.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Teppié Dufresne
Teppié Dufresne *(sp?—did not provide proper spelling of name),* former employee and now volunteer with CHAMP stated that medical marijuana use is a basic freedom and human right. Ms. Dufresne stated that she and other CHAMP employees and volunteers were risking their personal freedom by providing cannabis to patients. Now, due to federal laws, patients do not have access to cannabis. Ms. Dufresne asked the Commissioners to ask themselves how they feel about medical marijuana and urged them to be supportive on a government or personal level.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Chair Saliba-Malouf introduced and congratulated new Commissioner Malcolm Heinicke, Associate with Mongers, Tolles, and Olson, specializing in labor law. Commissioner Heinicke thanked the staff and people who attended his swearing in at the Mayor's Office and stated that he looked forward to working with the Commission.

REPORT OF THE DIRECTOR

Chapter 12.D.A. Waiver Report for April

James Fields and Melinda Wesley (HRC Staff) presented April's 12.D.A. Waiver Report. They offered to answer any questions that the Commissioner's may have. There were none.

Discussion and possible action regarding need for hearing on race discrimination issues in San Francisco

Director Harmon stated that at the last Commission meeting there was some public comment on this issue, as well as some complaints received at the Human Rights Commission on race discrimination issues in the last few weeks. Specifically, the African-American community has complained about the termination of Tammy Haygood, the former Director of the Elections Department and the Board of Supervisors failure to re-appoint Frank Cook as a member of the Public Utilities Commission. Commission staff has also been handling issues such as the Abercrombie & Fitch racial stereotyping and racial profiling by law enforcement and at the airport. Director Harmon stated that the HRC has the authority and duty to investigate broad and general issues on community/race relations. Director Harmon asked the Commission to discuss the need for holding such a hearing based upon the testimony brought before it and the Commission's duty to allow the community to express its concerns of racial animosity, discrimination, and make an effort to assist in community and race relations in San Francisco.

Commissioner Salazar-Hobson asked if the Commission would be looking at specific cases and Director Harmon stated that the Commission could not look at individual cases, but should look at how specific events have impacted the general community.

Commissioner Salazar-Hobson asked what would the substance of the hearing be if the HRC cannot address specific issues, would it be a report or just be a forum to provide a hearing whereby the HRC would just listen?

Deputy City Attorney Cathy Barnes stated that it could be both, and a good example of that would be the January 10th perceptions of Middle Eastern discrimination hearing. Ms. Barnes added that after the hearing, the Commission could then generate a report, do nothing, create a Task Force, address concerns, et cetera.

Commissioner Knutzen stated that a general hearing would be appropriate to address issues of discrimination in the year 2002 and a hearing that would educate people. She stated she would also like to bring in expert opinion in on the concerns that the community

brings up as well as issue a report that would be helpful to the City and County of San Francisco.

Director Harmon suggested that the Commission have a public forum, which would provide the community to address their issues with us and then have a discussion where the Commission can consider follow up recommendations to be presented at future meetings.

Commissioner Sparks asked if this hearing could be framed and contrasted within the context of the Unfinished Agenda. The HRC could then see if the situation has become better or worse and if anything has been done by the City and County to change the situation.

Chair Saliba-Malouf asked that a copy of the Unfinished Agenda be placed in the next Commissioner packets for review.

Commissioner Baghdassarian asked if some of the issues are focused on the areas of employment, and if so could the Employment Committee undertake some of the initial steps as far as having the hearing or should the full Commission address the issue?

Chair Saliba-Malouf stated that the Commission is seeking discussion on the wider subject of discrimination and address community tensions, not just employment related issues.

Chair Saliba-Malouf thanked the Commissioners for their input and stated that the hearing would be held next week.

Commissioner Ward asked if two weeks was enough time to coordinate a hearing. Director Harmon stated that we could certainly delay the hearing until the first meeting in June if the Commission feels that it is appropriate, but also stressed that the events took place at the end of April and the sooner that the Commission acts on these issues, the more responsive the HRC will be.

Commissioner Salazar-Hobson did not feel that the HRC could put a complete hearing together in two weeks and although the issues are immediate, Commissioner Salazar-Hobson felt that a more coordinated hearing would better serve the community. Commissioner Salazar-Hobson stated that he wanted a really clean starting line, even if it meant putting this off until mid summer or early fall.

Commissioner Ward shared Commissioners Salazar-Hobson's concerns and sentiments because the issue of discrimination did not begin with Tammy Haygood.

Chair Saliba-Malouf stated that the model of previous hearings that the HRC has done is excellent and something to emulate. First a public hearing is held and then specific issues are addressed at subsequent Commission meetings. She stated it would not only be tough to have expert testimony at the upcoming hearing, but it would also be tough to have expert testimony when the HRC has not heard what the specific community concerns are.

Commissioner Knutzen agreed with the Chair and stated that the HRC needs to treat the immediacy of the issue and have people be able to come in and articulate how these issues are affecting them.

The need for hearing on race discrimination issues in San Francisco to be held at the next Commission meeting was moved (Knutzen) and seconded (Dimapilis).

Commissioner Salazar-Hobson stated that the Commission may be given into a false urgency and that merely offering the community a sounding board is something that we already do every two weeks. Commissioner Salazar-Hobson felt that the HRC would receive a sloppy record, that the Commission did not know where they were going, and he did not know what value the hearing would be if we held it in two weeks.

Commissioner Baghdassarian agreed with the Commission responding with a sense of immediacy, giving the community an opportunity to express their concerns so that the Commission could be educated and informed about community concerns.

Commissioner Ward stated that the term of "sufficient" was mediocre on the Commission's part. He agreed with Commissioner Salazar-Hobson and asked why we could not hold a hearing in the fall.

Commissioner Salazar-Hobson made an AMENDED MOTION the original motion to calendar the hearing for four weeks instead of the next meeting. The amended motion CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Lee

DISCUSSION AND POSSIBLE ADOPTION OF LETTER TO AIRPORT COMMISSION CONCERNING KTVU CHANNEL 2 INTERVIEW BETWEEN ROSS MCGOWAN AND AIRPORT SPOKESPERSON RON WILSON REGARDING RACIAL PROFILING AT SAN FRANCISCO AIRPORT

Nichole Truax (HRC Staff), introduced a video interview between KTVU Channel 2 host Ross McGowan and Airport Spokesperson Ron Martin. Ms. Truax thought it was best to view the interview in its entirely so that the Commissioners could understand the context of Mr. Wilson's comments.

The five-minute video tape was viewed by the Commission. Please contact the Commission Secretary to view or obtain copies of the tape.

Ms. Truax asked the Commission for approval of the draft letter to the Airport Commission.

Chair Saliba-Malouf stated that it was unfortunate the Mr. Wilson made these comments and that she didn't understand how they could "randomly profile" people of Middle Eastern descent.

Commissioner Salazar-Hobson stated that Mr. Wilson has a good reputation in the City and that he is known as a progressive person and he merely stopped thinking when he said this. Commissioner Salazar-Hobson noted that Mr. Wilson has a prestigious career that fits well into the values of the City. Additionally, Commissioner Salazar-Hobson noted that the letter be augmented with the contrast that many different people from different walks of life could commit these acts. That aside, Commissioner Salazar-Hobson found Mr. Wilson's comments utterly offensive.

Commissioner Heinicke suggested that the letter stay the way it is instead of singling out particular groups. Commission stated that there are many ways non-racially based behaviors to look for, e.g. one-way tickets, people acting suspicious, et cetera. He asked that the last line of the letter be changed from "randomly" searched to "non-racially" based.

Public Comment On This Item
Ms. Sandra Crumpler, Airport Commission, Manager of MBE Program and this week is Acting Deputy Director for Public Affairs. Ms. Crumpler stated that she first heard about this last Friday and viewed the tape today. She stated she had a letter from the Commission but was unsure if she should give it to the Commissioners based on the comments that she heard regarding this item. She stated that Mr. Wilson's comments were not an official endorsement of the Airport Commission, and that the Airport Commission did not discrimination against any group and are not an advocate of racial profiling. She stated that maybe at some point Mr. Wilson could attend an HRC Commission meeting and talk about his comments.

Chair Saliba-Malouf thanked Ms. Crumpler for her attendance and stated that a response from the Airport Commission would go a long way to allay the concerns of the various community members that were deeply disturbed by these comments.

Commissioner Knutzen suggested that we send a summary of the January 10 hearing to the Airport Commission so they understand community feelings, concerns, and context.

Commissioner Salazar-Hobson asked that the record reflect that he stressed how progressive and well-liked Mr. Wilson is within the City and the community.

With the above mentioned changes, the adoption of letter to airport commission concerning KTVU Channel 2 Interview between Ross McGowan and Airport Spokesperson Ron Wilson regarding Racial Profiling at San Francisco airport was moved with (Saliba-Malouf), seconded (Heinicke), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward

Noes	0	
Absent	2	Hsu, Lee

DISCUSSION AND POSSIBLE APPROVAL OF RULES OF PROCEDURE FOR DISCRIMINATION COMPLAINTS

Larry Brinkin (HRC Staff) introduced the draft Rules of Procedure for Discrimination Cases under our Administrative Code and under our Police Code. The Rules that the HRC have now date back to 1985 and are ineffective. HRC staff have re-drafted the Rules so that they will be effective in modern times and meet the needs of Commissioners, Staff, and the parties involved.

Mr. Brinkin summarized the changes for the Commissioners, which included simplifying the title, adding calculation of response time for complainants/respondents, no one can file a complaint on behalf of someone else, consistent definitions, and protected confidentiality. "How to Conduct an Investigation" was removed because an official handbook is being created and the Appeals Procedures section has been removed because on May 7, the Supreme Court issued a decision in *Haas v. County of San Bernadino* which upheld that the hearing officer was not impartial because the county had selected and paid for their services. Dependent upon what this case means, the HRC will edit this section appropriately so that fairness and due process is available to our clients.

The approval of Rules of Procedure for Discrimination Complaints AS PRESENTED was moved (Dimapilis), seconded (Knutzen), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Lee

DISCUSSION AND POSSIBLE APPROVAL OF LETTER OF CONCERN TO AGENCIES INVESTIGATING THE POSSIBLE ARSON FIRE OF AN OAKLAND SYNAGOGUE ON MAY 4, 2002

Nichole Truax (HRC Staff) presented the Commissioner with the letter urging all investigative agencies to do everything in their power to full investigate this fire as a possible hate crime.

The approval of letter of concern to agencies investigating the possible arson fire of an Oakland synagogue on May 4, 2002 AS PRESENTED was moved (Salazar-Hobson), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Salazar-Hobson, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Lee

Commissioner Salazar-Hobson left at 6:01 pm. The quorum was not affected.

HRC DIVISION REPORT

Equal Opportunity Division:

HRC's review process of the Mayor's Office of Community Development Contracts including a report on Cameron House Project

Gary Wong (HRC Staff) presented an overview of MOCD contracts. He stated that MOCD obtains their funding from the federal Housing and Urban Development department. Each year HUD disperses funds to MOCD, in turn MOCD issues Request for Proposals (RFPs) to Community Based Organizations (CBOs) who apply for these block grants to maintain services. Among these are design and construction services. Once a CBO has been selected and awarded the contract, HRC participates in the reviewing and evaluation process which ensures MBE participation and develop MBE sub-contracting goals. HRC's role is mainly to monitor the CBOs and also to assist the contractors with respective minority/woman participation goals.

Mr. Wong then introduced Doreen Der-McLeod, Executive Director of Donaldina Cameron House who discussed how the contracts awards are vital in terms on their respected communities. Ms. McCloud stated that Cameron House has been an institution in the China Town community for 127 years. Cameron House began for women who were brought over from China and sold into prostitution or domestic slavery. Our services continue today in the areas of social services, Asian domestic violence, youth, immigrant youth in bilingual tutorial programs and American born youth. We also provide cancer resources and counseling for monolingual families.

Cameron House received a grant from MOCD in 1998 to seismically renovate their building. Although Cameron House did fund-raising, MOCD funds and HRC help was pertinent to Cameron House's renovation. The HRC not only helped find a contractor, but also ensured that local, woman, and minority contractors were utilized. The HRC has completed follow ups and have been very involved with their growth.

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

Discussion and possible adoption of resolution honoring the memory of Barbara Cameron

Commissioner Knutzen stated that Ms. Cameron's contributions and death had been discussed in the last few Commission meetings. Commissioner Knutzen attended Ms. Cameron's memorial and this resolution is a very meaningful thing.

The adoption of resolution honoring the memory of Barbara Cameron AS PRESENTED was moved (Knutzen), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	7	Baghdassarian, Dimapilis, Heinicke, Knutzen, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	3	Hsu, Lee, Salazar-Hobson

Employment Committee
Report of May 2, 2002 Committee Meeting
Report postponed for next Commission meeting.

Youth and Education Committee
Report of May 1, 2002 Meeting
Commissioner Dimapilis thanked Deputy City Attorney Cathy Barnes for presenting the Sunshine Ordinance to members of the Committee. Melinda Wesley (HRC Staff) stated that the Committee reviewed the Disparity Study and the student counselor ratio in high schools. The Committee discussed the state student rights and San Francisco student rights. The Committee also discussed the Racial Profiling Initiative.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
There was no discussion.

ADJOURNMENT
The meeting was adjourned 6:13 p.m.

NEXT MEETING

DATE: May 23, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

3/02

DOCUMENTS DEPT.

MAY 2 0 2002

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, May 23, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

    a. Approval of minutes of Commission Meeting of April 25, 2002
    [➲Action Item *Attachment to be provided at meeting*]
    b. Approval of minutes of Commission Meeting of May 9, 2002
    [➲Action Item *Attachment to be provided at meeting*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

    a. Individual Commissioner Reports on Community Activities
    [◎Discussion Item]
    b. Report on Backlash Working Group May 13 Safety Hearing
    [◎Discussion Item]
    c. Report on Legion of Honor "Eternal Egypt" Exhibition
    [◎Discussion Item]

7. REPORT OF THE DIRECTOR

    a. Update on the HRC Budget for Fiscal Year 2002-2003
    [◎Discussion Item]

8. DISCUSSION AND POSSIBLE ADOPTION OF CERTIFICATE OF HONOR FOR JILL TREGOR
[◎Discussion Item ➲Action Item *Attachment provided*]

9. HRC DIVISION REPORT
   a. Lesbian, Gay, Bisexual, Transgender, HIV Division:

      i. Report on resources and activities for lesbian, gay, bisexual, and transgender families offered by Our Families Coalition (Brinkin) [◎Discussion Item]

10. COMMITTEE REPORTS

   a. Lesbian Gay Bisexual Transgender Advisory Committee
      Commissioner Martha Knutzen, Chair
      Commissioner Theresa Sparks, Vice Chair
      Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

      i. Report of May 21, 2002 Committee Meeting
      [◎Discussion Item]

      NOTE: *The next meeting of the Lesbian Gay Bisexual Transgender Advisory Committee will be held on Tuesday, June 18, 2002 at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   b. Employment Committee
      Commissioner Larry Lee, Chair
      Commissioner Wilfred Hsu, Vice Chair
      Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

      i. No Report.

      NOTE: *The next meeting of the Employment Committee will be held on Thursday, June 6, 2002,at 1:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

   c. Issues Committee
      Commissioner Theresa Sparks, Chair
      Commissioner Haig Baghdassarian, Vice Chair
      Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

      i. No Report.

      NOTE: *The next meeting of the Issues Committee will be held on Wednesday, June 12, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Charles Ward, Vice-Chair
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of May 15, 2002 Committee Meeting
[◎Discussion Item]

NOTE: *The next meeting of the MBE/WBE/LBE Advisory Committee will be held on Wednesday, June 19, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Charles Ward, Vice-Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. No Report.

NOTE: *The next meeting of the Youth and Education Committee will be held on Wednesday, June 5, 2002, at 5:30 p.m. at the Human Rights Commission offices, 25 Van Ness Avenue, Eighth Floor Conference Room, San Francisco, CA 94102*

CLOSED SESSION

11. EXECUTIVE SESSION

a. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon for Pay-For-Performance Program

12. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[➲Action Item]

RETURN TO REGULAR BUSINESS

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

NEXT MEETING: THURSDAY, JUNE 13, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

Certificate of Honor

DRAFT DRAFT

Human Rights Commission
City and County of San Francisco

The Human Rights Commission of the City and County of San Francisco hereby issues, and authorizes the execution of, this Certificate of Honor in appreciative public recognition of distinction and merit for outstanding service to a significant portion of people of the City and County of San Francisco by:

Jill Tregor

for her remarkable efforts in the fight against hate motivated violence and for the thirteen years of extraordinary work and countless hours she contributed to the Issues Committee of the Human Rights Commission.

Theresa Sparks *Issues Committee* *Committee Chair*	*Ghada Saliba-Malouf* *Human Rights Commission* *Commission Chair*	*Haig Baghdassarian* *Issues Committee* *Committee Vice-Chair*

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JUL 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, May 23, 2002

DRAFT

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm A. Heinicke
Wilfred W. Hsu
Martha Knutzen
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:35 p.m.

ROLL CALL

Commissioners Present
Ghada Saliba-Malouf, *Chair* (left 5:38 pm)
Larry Lee, *Vice Chair*
Haig Baghdassarian (arr. 4:39 pm)
Shirley Dimapilis
Malcolm A. Heinicke
Martha Knutzen
Theresa Sparks
Charles Ward (left 5:38 pm)

Commissioners Excused
Wilfred W. Hsu
Antonio Salazar-Hobson

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Larry Brinkin, Emil DeGuzman; James Fields, Carmen Herrera; Zula Jones, Veronica Ng, Elise Nicholson; and Nichole Truax

Guests Present
Catherine Barnes, Deputy City Attorney; and Mehnaz Saiyed (HRC Intern)

A quorum was present.

APPROVAL OF MINUTES

Approval of minutes of Commission meeting of April 25, 2002
The minutes of HRC Commission meeting of April 25, 2002 were continued for the next meeting.

Approval of minutes of Commission meeting of May 9, 2002
The minutes of HRC Commission meeting of May 9, 2002 were continued for the next meeting.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was not circulated.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities
There was no discussion.

Report on Backlash Working Group May 13 Safety Hearing
Chair Saliba-Malouf stated that the Backlash Working Group met on May 13 between the Police department and the Fire department. Executive Chief Heather Fong was present on behalf of the Police department and brought five or six members of the department. Discussion was centered around the issue of quick response for various communities. The

police department can now link 911 and AT&T Arabic speaking translation service as well as other languages for people calling in to report a hate crime or who need access police service. The community and the press attended the meeting and Chair Saliba-Malouf was very happy with the meeting.

Report on Legion of Honor "Eternal Egypt" Exhibition
Chair Saliba-Malouf updated the Commission on the upcoming Eternal Egypt exhibition coming to the Legion of Honor. Chair Saliba-Malouf has been invited to be on the Exhibition Committee. September 17th is set as a tentative date for an HRC night to view the exhibit and attend the reception. Chair Saliba-Malouf asked the Commission to think about holding a fundraiser for approximately $2000 so that the Commission can cover a portion of the costs for the reception itself.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Shelley Bell
Ms. Bell urged the Commission to hold a hearing regarding the pattern of discrimination against the African-American community in San Francisco, to look at the pattern of discrimination since Willie Brown has been elected to office, attacks against African-American staff, Commissioners, and look at the lack of diversity that exist in some of our City departments, Commissions, and the Board of Supervisors. Ms. Bell wants the Commission to look at how the African-American community has been affected by this lack of diversity. She spoke of Tammy Haygood, Frank Cook, and how the Board of Supervisors wants to take over the Housing Authority and Re-Development Agency. The issue of how the Board of Supervisors has challenge and threatened economic empowerment in the Bayview community. Ms. Bell asked the Commission to look at the re-districting and how division is being created in communities of color.

Mary Rogers
Mary Rogers, resident of San Francisco stated that she is concerned about what is happening to black folk in the City of San Francisco. Ms. Rogers stated that the Human Rights Commission was created to ensure that African-Americans had equal treatment and that is not happening. Ms. Rogers spoke of Ms. Haygood, Mr. Cook, and what the Board of Supervisors is doing to the African-American community. Ms. Rogers did not think that the Commission is doing its job, stating that when issues come up about gays, the HRC jumps right on it, but it is not the same for the African-American community. Ms. Rogers asked that we hold meetings in the black community so they can bring up issues they are concerned about.

Chair Saliba-Malouf thanked the community members who have provided public comments and reminded the public that the HRC will be holding a public hearing on June 13 to address issues of discrimination affecting the African-American community. She also stated that she has consulted with the City Attorney and found that the HRC does not have the jurisdiction to address the Tammy Haygood issue but the HRC could work with the community regarding how this event has affected the community.

Charlie Walker
Mr. Walker stated that the African-American community is under attack and likened it to the Hitler era. He stated that more jails are being built and only young African-American men are being incarcerated. Mr. Walker stated that the FBI raid on Doris Ward's office took twenty-five agents to get a book of stamps. Mr. Walker stated that the HRC is not serving the needs of the African-American people and he feels that new agency should be created to address African-American problems because their problems are more unique than any other people in this country.

Dorothy Peterson
Ms. Peterson resident of Hunter's Point spoke of the disenfranchisement of the African-American community. She stated that disenfranchisement starts when votes are diluted. Ms. Peterson stated that re-districting of San Francisco and the Task Force that worked on it, has diluted voting power and has divided distinct communities of interest. Ms. Peterson asked the HRC to look into this issue.

DISCUSSION AND POSSIBLE ADOPTION OF CERTIFICATE OF HONOR FOR JILL TREGOR
Commissioner Sparks stated that she has known Jill for many years and Intergroup Clearinghouse is infamous for its work in mediation of intergroup tensions, particularly in areas of hate violence. Ms. Tregor has served for 13 years as a member of the HRC's Issues Committee.

The adoption of certificate of honor for Jill Tregor was moved (Sparks), seconded (Baghdassarian), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Salazar-Hobson

Commissioners Saliba-Malouf, Baghdassarian, and Knutzen thanked Ms. Tregor for her contribution and hard work for the Human Rights Commission.

Ms.Tregor thanked everyone and stated that her work with the HRC has been very meaningful to her and offered her services whenever the HRC may need her.

EXECUTIVE SESSION
Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon for Pay-For-Performance Program

Chair Saliba-Malouf moved the Commission into closed session at 5:12 p.m. and invited all members of the public to leave the room.

RECONVENE IN OPEN SESSION
The Commission and reconvened in open session at 5:38 p.m.

Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
A vote to not disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12 was moved (Sparks), seconded (Baghdassarian), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Salazar-Hobson

Commissioners Saliba-Malouf and Ward left at 5:38 pm. The quorum was lost. The meeting was officially adjourned and remaining members stayed for discussion.

HRC DIVISION REPORT
Lesbian, Gay, Bisexual, Transgender, HIV Division:
Report on resources and activities for lesbian, gay, bisexual, and transgender families offered by Our Families Coalition (Brinkin)
Ellise Nicholson (HRC Staff) spoke about the Legal Collaborative of the new Lesbian, Gay, Bisexual, Transgender Community Center. She stated that the Collaborative is a joint effort between non-profit organization and government agencies that provide legal services, information, referrals and support for the community center. A kick-off event for the Collaborative was on May 9th. At the event, there was a panel that focused on family law and domestic partnerships. She introduced Charlie Spiegel, the Executive Director of Our Family Coalition.

Mr. Spiegel stated that LGBT households are created firstly by formerly married, formerly straight people who continue custody after they come out; there is artificial insemination for lesbian couples; there are co-parenting relationship; adoption and foster care; surrogacy; transgender parents; and extended families.

Mr. Spiegel stated that 8% of parents are LGBT; 49% of lesbian/gay couple who didn't have children, wanted to have children; and that 50% of potential foster care parents in training in San Francisco are LGBT.

Domestic partnership is an issue of concern and his agency provides advocacy, state registration, and rallying voters, supervisors, and governors to pass laws that positively enhance domestic partnerships.

Commissioner Heinicke asked Mr. Spiegel if brochures are provided for gay couples when they go to apply for domestic partnership. Mr. Spiegel stated no, but thought it was a good idea.

REPORT OF THE DIRECTOR

Update on the HRC Budget for Fiscal Year 2002-2003

Director Harmon updated the Commission on the HRC's budget. This week she and Joyce O. Smith (HRC Staff) appeared at the Board of Supervisors Budget Committee to present significant changes to the HRC budget. The HRC's budget is made up of both General Funds and Work Order monies and this year there have been changes in both. Regarding the general fund, the HRC has been required to absorb a 5.5% COLA (cost of living allowance) for it's employees and the work order budget has been reduced most significantly by the San Francisco International Airport where the HRC's budget has been reduced by $379,000. The HRC has also experienced reductions at the Port, the Department of Environment, and the Mayor's Office of Community Development.

The HRC's budget will be heard again in June. Director Harmon anticipates additional changes as a result of a reduction of state funding to the City.

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

Report of May 21, 2002 Committee Meeting

Commissioner Knutzen stated that on April 26th, the Committee had a meeting for small business owners in the LGBTH community. Commissioner Knutzen thanked all staff, especially Maria Cordero. The Committee had a very successful Annual Retreat whereby many issues were brought up including holding a hearing on senior issues in the LGBTH community. The Committee also had a presentation on how spirituality affects the LGBT community. The Committee will be hosting a booth at the Pride Parade. The Committee also moved forward on economic empowerment and will continue to work on these issues.

M/W/LBE Committee

Report of May 15, 2002 Committee Meeting

James Fields (HRC Staff) stated that the committee spoke about the sun-setting of Chapter 12.D.A. in June 2003. The initiative to re-authorize the ordinance takes place eighteen months in advance in order to find out what the community needs, how contractors and sub-contractors are growing, and what M/W/LBE firms need to succeed. The Committee has issued a public notice to solicit opinions and suggestions.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

There was no discussion.

ADJOURNMENT

The meeting was adjourned 6:17 p.m.

NEXT MEETING

DATE: June 13, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, June 13, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.

JUN 10 2002

SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683: Office 415-554-7724· Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]

6. PUBLIC HEARING TO ADDRESS COMMUNITY CONCERNS, RACE RELATIONS, INTERGROUP TENSIONS, AND CITY WIDE DISCRIMINATORY PRACTICES
   Members of the public may address the Commission to address Community Concerns, Race Relations, Intergroup Tensions, and City Wide Discriminatory Practices. Public comment is limited to three minutes.

7. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

8. ADJOURNMENT

~~NEXT MEETING: THURSDAY, JUNE 27, 2002~~

*** * * C A N C E L E D * * ***

NEXT MEETING: THURSDAY, JULY 11, 2002

All meetings are held at: City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, CA 94102, unless otherwise stated

SF
H80
#1
6/13/02

HUMAN RIGHTS COMMISSION

Public Hearing to Address Community Concerns, Race Relations, Intergroup Tensions, and City Wide Discriminatory Practices

Thursday, 13 June 2002
4:30p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
JUN 10 2002
SAN FRANCISCO
PUBLIC LIBRARY

Recently, individuals have complained to the Commission about the following issues and have requested a public hearing:

- ✓ Recent firing of Elections Department Director
- ✓ Failure of the Board of Supervisors to re-appoint PUC Commissioner Frank Cook
- ✓ FBI raids of the Assessor's Office
- ✓ Racial Stereotyping (e.g. Abercrombie & Fitch)
- ✓ Backlash against people of Middle Eastern descent after 9/11

If you have any questions or would like to participate, please contact Commission Secretary Toni A. Delgado at 415-252-2500 or e-mail toni.delgado@sfgov.org

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

JUL 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Regular Meeting
Thursday, June 13, 2002

DRAFT

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm A. Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

CALL TO ORDER

Commission Vice-Chair Lee called the meeting to order at 4:34 p.m.

ROLL CALL

Commissioners Present
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Martha Knutzen
Johnnie Rollins
Theresa Sparks
Charles Ward

Commissioners Excused
Malcolm A. Heinicke
Wilfred W. Hsu
Antonio Salazar-Hobson

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin, Zula Jones, and Nichole Truax

Guests Present
Catherine Barnes, Deputy City Attorney; Mindy Lee (HRC Intern); and Mehnaz Saiyed (HRC Intern)

A quorum was present.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was not circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Commissioner Dimapilis attended a fundraiser at City Hall for Philippine Heritage Day.

Chair Saliba-Malouf welcomed new Commissioner Johnnie Rollins. Ms. Rollins thanked the Chair and stated that she looked forward to working with such a wonderful group.

PUBLIC HEARING TO ADDRESS COMMUNITY CONCERNS, RACE RELATIONS, INTERGROUP TENSIONS, AND CITY

Dr Amos C. Brown

Dr. Amos Brown of Third Baptist Church and former member of the Board of Supervisors. Mr. Brown spoke of the pain and trauma in the African-American community. Mr. Brown stated that he is concerned for all persons, but he wanted to speak about the egregious wrongs against the African-American community specifically. Dr. Brown stated that the HRC was birthed from the African-American community in order to defend the human rights

of all persons. Many members of the community began this fight and many in the community have carried on the fight. The African-American community has benefited less than all the other people. The African-American is entitled to life, liberty, and the pursuit of happiness, but the African-American community should have economic opportunity. In the school system, there is no parity in terms of black teachers in the African-American community. Young African-Americans average a D+ in schools and we need to focus on the African-American community to ensure that all of the children excel.

Dr. Brown stated that Tammy Haygood did not receive due process. That Ms. Zula Jones' rights were violated. Dr. Brown stated that there are people on the Board of Supervisors do not have respect for the African-American community. Dr. Brown thought the HRC should call the state and local community into question about the expungement of records of young, male African-Americans. If there is a felony behind a young African-American's name, he cannot get a job. We have set this community up for failure. Young African-American males are in and out of the criminal justice system, which supports a certain privatization of the prison system.

Dr. Brown stated that the African-Americans have not received justice from the police department. Every week, children are being killed in young men between the ages of 15-25. If this were happening in another community, we would be calling all types of inquests to bring this reality to a screeching halt. But in this City, even the police department is not quick and does not do due diligence. Only fifty percent of these cases are investigated. We claim to be an enlightened world class City, but we cannot bring criminals to justice. Dr. Brown stated that the members of the community have asked him why is the police department is not investigated the murder of my son or daughter.

Let this not just be a hearing, but let this be a call to action so that justice will be served in this city for not just some of the people, but for all of the people.

Thomas Jones
Mr. Jones wanted to question why he was being refused to file a complaint for political discrimination and persecuted in this City. Mr. Jones stated that he has been a victim of racism all of his life and he requested a hearing.

Chair Saliba-Malouf asked Director Harmon for an update on his complaint at the next meeting (attachments provided, See Appendix A).

Reverend Greg Richardson
Reverend Richardson thanked the HRC for having this hearing; for the concern; to hear about the pain and the events of the African-American community. SF is one of the discreet discriminatory cities in America. Reverend Richardson stated that when he came to San Francisco in the Summer of Love when it was a family environment.

This city is creating a race riot about to happen. The social illness of the Department of Elections, the PUC and Doris Ward's office being invaded by the FBI. What type of

message does that send to the African-American community? Once a man said "it is the ballot or the bullet."

Charlie Walker
Mr. Walker stated that he has never referred to himself as the buzz word "people of color." The misconduct of the Board of Supervisors; when Ammiano attended the ground breaking ceremony on Third Street and referring to the light rail when it goes though the Bayview/Hunters Point as "Soul Train." Mr. Walker stated that if African-Americans used a derogatory remark toward the gay community in this City, everybody would be up in arms, but not for the African-American community.

Mr. Walker used Chris Daly as an example and stated that Mr. Daly can assault a police officer and does not have to obey the law. Racism in this city is getting worse every day. Mr. Daly threatened to attack the Mayor, to do something to one of the bodyguards of the Mayor, but no one has said anything about it. But now that Ms. Haygood is being unjustly treated.

African-Americans as a people cannot continue to accept this. When it comes to freedom, justice, and equality in our homeland, it is not for their enjoyment. We humbly ask the HRC to begin an investigation into Chris Daly; the people who fired Haygood; and into Ammiano who accused Leroy King of taking kickbacks. It is not time to keep talking about this, it is time to do something about this. Mr. Walker provided the Commission with information (see Appendix B).

Ossie Norris
Mr. Norris stated that he is a member of Third Baptist, where he is part of a family. Mr. Norris stated that one of his jobs at the church is to wash dishes. He stated he is not a speaker, not that well educated, but he was born, raised, and attended the public schools in San Francisco. Mr. Norris likened himself to Moses, a common man in the Bible who turned out to be someone who is very powerful. Mr. Norris stated like Moses, he requests, "Let my people go." He asked as a common man, not necessarily as a black man, but as a human being.

Shelley Bell
Ms. Bell stated that in 1993 Unesco began a project to document the impact of slavery on world culture and stated, "the executioner always kills twice…the second time through silence." Slavery is history's first system of globalization and the economic, social, and cultural deconstruction of the African continent. The Fillmore community faced the same deconstruction, but the community fought back and won some concessions. Evidence of the recent attempts of the Board of Supervisors to prevent the development of a Home Depot in Bayview, a project that would revitalize the economic health of the community. Ms. Bell stated that only one African-American woman sits on the Board of Supervisors. That Frank Cook, who has served this City well, was suddenly found to be under-qualified for re-appointment to a Commission on which he has served for years. The Elections Director was disrespected and dismissed by a renegade body who violated her rights. Ms.

Bell stated that there is lack of representation by people of color, lack of attention to issues affecting woman, intentional destruction of opportunities for economic growth, dissolution of their voting power, and gentrification of their communities. Ms. Bell stated she would like to bring to light the pattern of discrimination that is destroying the African-American community. Ms. Bell provided the Commission with information (see Appendix C).

Paula Fiscal

Ms. Fiscal, President of St. Luke's Community Coalition, pointed out that this not an issue that has not been before the commission before regarding how people have been dismissed from at-will positions. At-will positions mean that that person is at the will of the person who made the appointment. When Ms. Fiscal heard that the African-American community would be here today about the discriminatory firing of Ms. Haygood, she wanted to be here. She felt that the HRC has the authority to investigate every department and this firing. Ms. Fiscal urged the HRC to begin an investigation.

James Bryant

Mr. Bryant of the A. Philip Randolph Institute spoke about the pattern of discrimination. Mr. Bryant passed out a list of names (attached, see Appendix D) of African-Americans who are doing business with the City, or acting as policy makers in the City, or are Directors or participate in City Agencies. Mr. Bryant spoke of Leroy King, Frank Cook, Zula Jones, Doris Ward, Charlie Walker, and Tammy Haygood. Mr. Bryant spoke about the Home Depot issue and stated that the African-American community needs those jobs. Mr. Bryant stated that we must hold people accountable for these wrongdoings and asked the HRC to go over the list and see the pattern of harassment and discrimination in the African-American community.

Dr. Arelious Walker

Dr. Walker of True Hope Church wanted to address some of the things that have been said tonight. Dr. Walker stated it is very frightening what has been happening is San Francisco. One of the ways to eliminate a group is to get rid of the leadership. Leaderships determines where things are going. If you eliminate the leadership, that is one way to destroy and eliminate the institution in that group. The quality and elimination of leadership in the African-American has had an adverse affect on this City and Dr. Walker urged the HRC to address this problem. Dr. Walker stated that the HRC's duties are a tremendous responsibility, but also a great honor, to be able to change in this City, this type of climate and make it a positive one.

Sululagi Palega, Sr.

Mr. Palega stated that he is concerned because the City is going backward instead of forward. Mr. Palega attended a number of hearings on Tammy Haygood and spoke at a few. He said when you look around this city, there is no majority, everyone is a minority. The Tammy Haygood issue should have been dealt with at the Elections Commission and the politics should have been left at home. There was much testimony about how voting has improved, how information is accessible, how seniors and disabled people are getting to the polls, but the Elections Commission heard none of that.

Frank Cook had served on the Commission for a number of years, he was very knowledgeable about the Commission, the PUC, and about different communities, yet they said he wasn't qualified. Mr. Palega believed that Ms. Haygood's and Mr. Cook's rights have been violated and asked the HRC to take a stand and begin looking at all of these issues.

James Pye, Jr.
Mr. Pye wanted to know if this is just going to be listening, or is something going to be done. Mr. Pye wanted to set the record straight. Mr. Pye stated that we are going backward instead of forward and we need to stop and listen to these issues and do something about it, not just turn a deaf ear.

Ms. Dunn
Has been disheartened, the political machine and the things that are going on in San Francisco has disturbed her greatly. She mourns and weeps for her people and she stated that African-American's are here and are here to stay. Although the economy has come up, the African-American community has been in the "D-class" dislocated, disrespected, and disregarded.

Ms. Dunn stated she spoke from her feelings but also in love and Christian spirit. Ms. Dunn stated that God is tired, and when God get tired there is moving to be done. Ms. Dunn is not begging—but demanding—rights, justice, equality, and fairness for residents in this city. Ms. Dunn has seen San Francisco go from one extreme to another and this is the worse it has been. Ms. Dunn stated that Ms. Hayood has been condemned as being a criminal after she was fired and Ms. Dunn felt that these events are a systematic strategy of elimination.

Essie Mormen
Essie Mormen, The Breast Cancer Fund, Bayview/Hunters Point, and breast cancer survivor. She shared her concern with the high rate of breast cancer in Bayview/Hunters Point. Ms. Mormen stated that the Bayview/Hunters Point area has the highest rate of breast cancer in the United States, adding that they die twice as fast and get cancer earlier than other women in other areas. Ms. Mormen stated that the chemicals from the shipyards and power plants are the main culprit of the state of health of African-American residents of Bayview/Hunters Point. Ms. Mormen provided the Commission with information (see Appendix E).

Chair Saliba-Malouf thanked all of the members of the community for their heartfelt and candid testimony. Chair Saliba-Malouf felt that the Commission has heard testimony for a very under-served and wounded community and asked the Commissioners to consider and debate these issues. She urged the Commissioners to remember that it is the HRC's mandate to address and eliminate discrimination and to ameliorate intergroup tensions such as the various comments of the members of the Board and the attacks of the African-American community. She recommended that staff compile a report and present ways in which the Commission can assist the African-American community.

Commissioner Baghdassarian thanked the members of the community. Commissioner Baghdassarian stated that he was troubled by some of what he had heard. He stated that the issue of the firing of Tammy Haygood has been discussed at previous meeeting, but it was his understanding that the HRC is limited in its authority in what they can do. He would like to explore what the HRC can do and what is being done by other governing bodies because the Haygood issue seems to be at the center of the tension that is mounting. Commissioner Baghdassarian stated he was overwhelmed by what he has heard and would like to hear more from his fellow Commissioners.

Commissioner Sparks stated that she is overwhelmed by all of these race issues and this is the first time she has seen everything on one page (see Appendix D). A couple of the issues particularly troubled Commissioner Sparks; the continued cycle of violence and the cycle of incarceration and the societal impact that those items have on our community. She stated that these are ongoing issues that the HRC needs to continue to look at. She stated the Home Depot issue is the selective use of the planning code in various areas, but the argument starts taking on a pattern.

Deputy City Attorney Catharine Barnes reminded the Commissioners that a discussion after the hearing is not agendized, so Commissioner comments must be limited to suggestions for follow-up.

Commissioner Ward stated that he not overwhelmed by what he heard, he is angry. He stated that this is nothing new, that is has been going on for a long time, and it continues to. Many different people come before the Commission and tell stories about what happen to them in the community. The HRC's mission is to investigate cases of discrimination. There are limitations on things what the HRC can or cannot do, but what the HRC can always do is raise their voices. The HRC may not be able to sanction departments or people, but the HRC can raise their voices to speak out against these things.

The education system in San Francisco is a disgrace. He stated that it is a human right in the United States to have the benefit of public education and the HRC should call upon the school district and the Board of Education to explain themselves.

Commissioner Ward stated that he did not know why Mr. Cook was not re-appointed to the PUC, but the HRC should ask the PUC to attend a Commission meeting so the HRC can ask them why and have it on the record.

The HRC can raise their voices about these issues. Commissioner Ward stated he is angry when the HRC doesn't raise their voices when that may be the only thing they can do. Commissioner Ward stated that as a black man walking the streets in America, he deals with this discrimination and profiling every day.

Commissioner Lee thanked the black community for their testimony and suggested that the Director and staff look into the Tammy Haygood firing and investigate Commissioner Cook's incident as well.

Commissioner Knutzen stated that she was very involved and worked hard in the to campaign to elect mayor Willie Brown and her education began after he was elected and after she was appointed to the HRC. When she hears these things, she knows that they are directly affecting her and discrimination, violence, profiling et cetera, threatens everyone. When leadership is being threatened it affects the whole community. Commissioner Knutzen asked Deputy City Attorney Catharine Barnes to be imaginative about the limits of the HRC's legal jurisdiction and its ability to investigate what the effect is when leadership opportunities are being denied and what happens when we lose our diversity in this City. Commissioner Knutzen felt that the HRC has the authority to investigate these issues. She stated that if the HRC does not give voice to these issues then no one else will, and if the HRC doesn't give voice, then these issues will happen to everyone.

Commissioner Dimapilis stated that she is a retired teacher for the Bayview community and that the HRC must stand up for the community and for the betterment of everyone. She hopes that the HRC will continue to do what is needed for the community.

Commissioner Rollins thanked everyone who enlightened the Commission. She stated that she is a proud resident of Bayview/Hunters Point, and she knows how beautiful it can be. She stated that she could live anywhere in the City, but she chooses to live in Bayview. She stated she raised her children in Bayview and through the public school system and her son is a college graduate and a fire fighter with the City and County of San Francisco. Commissioner Rollins stated that her son is a product of a system that said he couldn't do it as a black youth, but people can; especially with the kind of support that the HRC can author to the community.

Commissioner Ward asked the Director if the press was informed of this hearing and the Director stated that the meeting was publicly noticed, but the press was not specifically noticed. Commissioner Ward recommended that in the future, when we have a meeting of this magnitude that a press release be issued and the press be notified. He felt that the rest of the City should be aware of how the African-American community is feeling and that they are asking their government to take some action.

Commissioner Baghdassarian stated that it seems that most of the attention is focused on Tammy Haygood and the failure to re-appoint Frank Cook but he wanted to ensure that the Commission did not overlook some of the broader problems of the community for example, discrimination in the criminal justice system.

Commissioner Ward stated that he was astounded to hear that some of the highest incidents of breast cancer in Bayview/Hunters Point is the highest in the United States.

Chair Saliba-Malouf asked the director for a summary of the points raised and a plan of action of how to address each subject. She is concerned about some of the comments the Board of Supervisors have made and wondered if the HRC could write to them and ask

them to explain some of their statements and express that those comments deeply trouble the Commission.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS
There was no discussion.

PUBLIC COMMENT
Chair Saliba-Malouf called for public comment from members of the public on items not on the agenda.

Shelley Bell
Ms. Bell, member of the Environmental Commission. Ms. Bell invited the Commission to hold any hearing on this issue at the Bayview Opera House, in the heart of the community. If the HRC wants to hold these hearings, she will bring the community to the HRC.

Unidentified Speaker
Request the Commission to review the Unfinished Agenda, published by the HRC a few years ago.

Tom Jones
Reiterated his request to have his case investigated by the HRC.

Chair Saliba-Malouf reminded everyone that the second meetings of June and July have been canceled and the next meeting will be on July 11.

ADJOURNMENT
The meeting was adjourned at 6:12 p.m.

NEXT MEETING

DATE: July 11, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416
San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon
Director

By: Toni A. Delgado
Commission Secretary

** NOTE: If you are viewing these minutes in electronic form – If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Talent Show Tryouts for McDonald's Apollo Theater Contest

Mondays 4-6 PM
at the

African-American Art & Culture Complex
762 Fulton Street (near Webster)
San Fransico, CA

Showcase Activities:

* Dancing *Singing *Comedy *Acting
*Arobics *Basic Theatre Training
*Public Relations Instructions

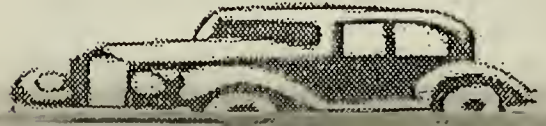
Call Music America International Tom Jones Enterprise Productions for added information: 415.928.8020

Email tjones22@neteze.com

Russel's Famous Limosene Crime Tour of

—Tom Jones - Dir. Mktg.-

the San Fransico Bay Area.



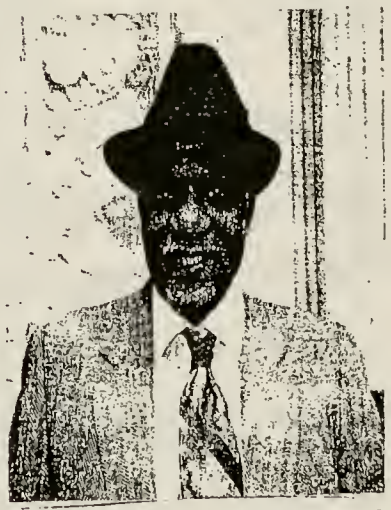
Discovery House News Report

Summer 2002

"HOT-TIP GRAPEVINE"

Special News Release

Summer 2002 **Dateline: June 6, 2002**



The Tom Jones Legacy Lives On

Nationally recognized entertainment promoter and civil rights advocate Tom Jones files a Hu Rights Complaint against the City and County of San Francisco.

The Tom Jones Story furnishes a wealth of background information regarding "Who's Who The City," posing the familiar yet unanswered questions: "Where's The Money Going?" and Who's Serving Whose Interest.?"

Tom Jones accuses San Francisco (the so-called City of Angels) of "Political Persecution" & "Discrimination" in his legal action -- naming Mayor Willie Brown and fellow democrat Art Agnos as cohorts.

"Who Is Right -- Who Is Wrong?"

The Proof Is In The Pudding!!!!!

For a number of years, dating back to 1985, I have been arrested and physically abused by the San Francisco Police Department (SFPD) resulting from my efforts to "clear up" misunderstandings involving Mayor Willie Brown and former Mayor Art Agnos, both well-known members of the Democratic Party.

An investigation of the public records will show that my efforts, consultations, & communications on behalf of those suffering from drug-abuse, and criminalization have been "misunderstood" by certain elected officials who have attempted to unjustly and inhumanly persecute me.

Furthermore, let it be hereby known that the City and County of San Francisco engages in racist practices against minorities, particularly African American residents, as can easily been seen in the lack of people of color working in the construction industry as our great City grows as never before.

I now call upon the truly kind-hearted residents of San Fransico to support Discovery House in our efforts to bring about full employment for all those in need, and to make the "City of Angels" a better place for all of GOD'S Children.

Operation "GOT YA!"
Beyond Armageddon
"The New World Order"
TOM JONES for PRESIDENT
A Martial Law Appeal
A Call To Arms!!!!"
Reform Now!!!!
(The Truth Kills!)
E-Mail tjones22@neteze.com
415.928.8020

"Join us in our quest for a more just and compassionate society."

– Dennis Peron

LIVE!

BAY AREA

A Tom Russel

the VIEW VIDEO Best JAZZ

Mapacha "Twins"

CHECK US OUT!

Emergency Job Assistance Projec

Call 415.928.8020

Email us at tjones22@neteze.com

Labor Pool/Job Development Project, Odd J
Painting, Yard Work, Moving & Hauling,
Handyman and General Labor.

JAZZ WORKSHOP

GEORGE ASHWORTH

JAZZ TAP

AL ROBINSON

Russ Kyle's Limo' Service. Exclusive San Francisco Tours available. Private or group rates. (415) 928-8020

A thought concerning the "Speed Generation:" Where is it taking you? To learn more about the Age of Moderation" or "All About Jazz & More" ask for it when you call us.

Researchers Needed:
We need people in the area of our Job Developm Management Training Program and Advertising & Marketing Project.

Job Services Available:
Quality Work at Low prices

APPENDIX A

A REPRINT!!'

PROJECT HOPE

Helping Other People Everyday – Discovery House, Inc. 537 Jones Street PMB 652, San Francisco, CA 94102

Emergency Assistance Request For Donation.

To our friends and supporters

For more than "Thirty-years" PROJECT HOPE Spring 2001 (dba, Discovery house, inc.) has been helping other people everyday " via their multi-faceted counseling approach in the area's of substance abuse/dependency, welfare dependency, crisis counseling, resource coordination in finding and acquiring treatment for those types of problems. Especially reaching out to help musicians, entertainers, actors, affected with AIDS, HIV, HEPATITIS C, etc.

Now today with so many other programs a kin to our work and function and other "non-profit' programs and agencies seeking similar help. Ours has become a "business of Competion for Funding and Donations" so much so that we are inclined to take an aggressive step toward raising " Emergency Funds" to help implement our operation.

Where by, we are making this "SPECIAL APPEAL" to assist our ever advancing efforts to broaden our scope in reaching out and helping others. In any way you can help us through donations of money, clothes, food, jobs, etc. We will be exceeding thankful. As we have some wonderful educational, entertainment and job training projects on tab for Spring/Summer 2001

VOLUNTEERS NEEDED!

For inquiries of any kind contact us at (415) 928 8020.
Make checks payable to! PROJECT HOPE/ DISCOVERY HOUSE Inc.

Thank you sincerely,

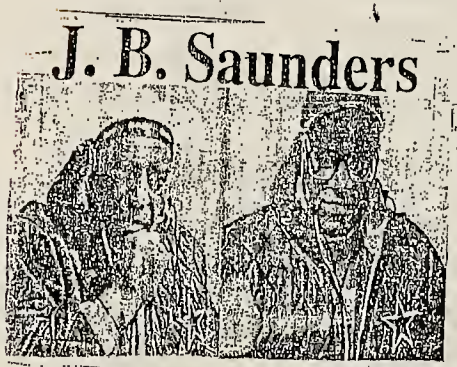
Tom Jones, President

HOSPAIL
the medium between a Jail and a Hospital
For information Call 415.928.8020.
J. B. Saunders, Consultant 415,596.4756
Ask for Discovery West

International All About Jazz & More

Co-Produced By:

Tom Jones and J. B. Saunders



The S. F. Bay Area Entertainment Network Apollo Theater Registration Cooperative T. Jones Productions.

J. B. Saunders, Producer 415.596.4756

Russ Kyle, Consultant Specialist.

All About Jazz & More

Career Highlights

J. B. Saunders has appeared at the Lorraine Hansbury Theater, Bannam Place Playhouse in North Beach, the Exit Theater in Downtown San Francisco, the San Francisco Street Theater Festival, the African American Art & Culture Complex, Alice Arts Entertainment Center in Oakland, Glide Church, Master of Ceremonies for the Comedy Hour at the 509 Cultural Center/Luggage Store Art Gallery, just to name just a few. In addition to the above listed credits Mr. Saunders has been featured nationally in Jet Magazine and toured extensively with Tom Jones Enterprise Productions Cavalcade of Stars promoting Cultural Folklore featuring Al Hibler's classic rendition of HE. His teachers include Keith Grier, Director of A Black Box Theater, Poet/Author Marvin X's Recovery Theater, and advanced dramatic instruction from the legendary Hollywood actor Mel Steward may he Rest In Peace.

For more information contact Music International At 415.928.8020 or Email us at tjone22@neteze.com

Hot Tip Grape Vine

Spring / Summer **2002**

1. Feature Story about Jazz and More: A Tribute to Al Hibler highlighting solo singing, featuring J. B. Saunders.

2. Huey Forsten Stage Audition Tryouts for "forties" Hit Feature Song: "Open the Door Richard!"

3. Auditions for Musicians and Entertainers interested in participating in the "All About Jazz and More Video Productions," sponsored by Tom Jones Enterprise Productions, Recovery Recordings, and J. B. Saunders Productions. We Are Especially Seeking Qualified Females.

Jobs and Services Listing

The Emergency Job Assistance Project provides On The Spot services, such as: House-painting, Landscaping & Gardening of all types, Moving and Relocation, Minor Household Repairs, and other Odd-Jobs. FAST! EFFICIENT! REASONABLY PRICED!
Call: 415-928-8020 for help. e-mail 2afm.org FAX 415-922-1346.

Video Swap, Loan, Buy and Sell Services. All Types of videos are available in our extensive library: Blues, Jazz, Rock, Hip-Hop, Classics, Etc., Etc., Etc. Call 415-928-8020 to order one of your favorites, or to get our Star-Search Talent Find Video.

Marketing Specialist Needed. Training Available, Earn Money Fast!

Stage Production Tryouts

Be on the Look-Out for J. B. Saunders New CD Release entitled: "Poleece Get Outta Ma Neighborhood!" A Tribute To Paul Robeson with "Let My People Go, *featuring Aaron Parker on Saxophone.*

For more information Call Recovery Recordings at 415-596-4756.

Video & Multi-Media Recordings

Buy, Sale, Trade or Loan

Fast Dubbing Remakes

Call: 415-928-8020 or 415-596-4756

For more information

APPENDIX B

Misconduct and racism by members of the Board of Supervisors

Chris Daly

- Threatened Mayor office of Homelessness Director, George Smith's job, an African American
- Tried to start a fight with the Mayor
- Threatened the Mayor's bodyguard, who is a police office and an African American
- Threatened another police officer who was doing his job

Tom Ammiano

- Accused Leroy King of taking a kickback to purchase a house.
- Referred to the MUNI construction of the "Third Street Lightrail" as a "Soul Train" coming down Third Street. This is an area where the residents are predominately African American.
- HRC should urge the Board of Supervisors to hold hearings on misconduct by Supervisor Daly

APPENDIX B
Reference

San Francisco Charter
ARTICLE II LEGISLATIVE BRANCH
SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned, or their designees.

Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective boards and commissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Notwithstanding any other provisions of this section, it shall not constitute prohibited interference for a member of the Board of Supervisors to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a City board, commission, task force or other appointive body, or for the Board of Supervisors to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

Violation of this section shall constitute official misconduct.

APPENDIX B

AFRICAN AMERICAN COMMUNITY/POLICE RELATIONS BOARD

The African American Community/Police Relations Board is a partnership between the African American community, faith community, businesses, governmental and law enforcement agencies working cooperatively to ensure due process and resolve identified problems that adversely impact African Americans.

Letter to the Editor
San Francisco Chronicle

* * * *

The San Francisco Chronicle Misses the Point in its Coverage of Haygood Firing.

The firing of San Francisco Director of Elections Tammy Haygood by the Elections commission raises numerous important issues regarding governmental integrity and democratic processes, which have largely been ignored by the Chronicle in its coverage. Such issues are far too important to the citizens of this City to be sacrificed for the sake of salacious headlines.

The Chronicle has cast this issue in terms of allegations of mismanagement versus accusations of racial and sexual orientation bias. However, the real issue here centers on the rule of law and whether or not San Francisco govemment obeys and implements the will of the voters. The Elections Commission is operating in what appears to be secretive and politically motivated fashion in defiance of the stated will of the people of San Francisco. This should be the focus of the Chronicle's examination.

The citizens of San Francisco adopted Proposition E in November 2001 election (effective January 1, 2002). According to the official ballot argument in favor of the measure, its purpose was to make administration of elections "open, honest

APPENDIX B

and accountable to the people of San Francisco". To accomplish this goal the measure creates a broadly appointed Elections Commission to oversee the Department of Elections and gives that Commission specific appointment and removal powers over the Director of Elections. Most notably, Prop. E states that the Director of Elections shall be removed for cause, after a hearing, upon written charges presented at least 30 days before the hearing.

On April 22, 2002, the Elections Commission decided to terminate Tammy Haygood in closed session. Ms. Haygood was not given written notice, and no "cause" was offered for her termination. No record of the deliberations of the Elections Commission has been made public, despite the fact that the Mayor has requested the audiotape of the closed session. The Commission took no public comment on its deliberations or actions. These actions are the antithesis of open, honest and accountable government.

The Elections Commission relies on an opinion from the City Attorney that Tammy Haygood was a probationary employee as the basis for its actions. The opinion is wrong, as will become apparent as this matter wends its way through administrative appeals and eventually court proceedings. However, even if the opinion were technically correct, Prop. E imposes a duty on the Elections Commission to administer the department in a manner that is open and subject to public accountability. The Elections Commission and the Office of the City Attorney should have realized that – post Prop. E – this matter should have been considered in an open hearing, rather than in the back rooms

APPENDIX B

of City Hall, hidden from the public view.

The public has a right to know why Ms. Haygood was fired. The public has a right to know the performance standards to which Ms. Haygood (and presumably any other Director of Elections) is being held. As an open society, the public has a right to be heard through public comment regarding all of these issues. Finally, the public has a right to know whether elected officials, through their appointment of Elections Commissioners, are doing their jobs in a manner worthy of the offices they hold.

The actions of the San Francisco Elections Commission are on a track to render utterly meaningless the mandates of Prop. E, thereby rendering the initiative process in San Francisco a dead letter. The Chronicle, as the largest newspaper in the City, has a duty to see its way past the rhetoric and mudslinging of the present case and to report about these important issues in a manner that allows the public to evaluate whether or not the democratic will of this city is being carried out.

APPENDIX B

AFRICAN AMERICAN COMMUNITY/ POLICE RELATIONS BOARD MEMBERS

1. Nathaniel Mason
   NAACP

2. Richard Brown
   Ella Hill Hutch Community Center

3. Dr. Caesar A. Churchwell
   Black Leadership Forum

4. Archbishop Franzo W. King, Sr.
   African American Faith Ecumenical Community

5. Minister Christopher Muhammad
   Nation of Islam

6. Wendell E. Adams
   Member At Large

7. James P. Queen
   Member At Large

APPENDIX C

1

Good afternoon, I am Shelley Bell. Thank you Commissioners for this opportunity to speak. In 1993 UNESCO began a project to document the impact of slavery on world culture using the words of Nobel Prize winner Elie Wiesel ***"The executioner always kills twice, the second time through silence".***

Slavery is history's first system of globalization. With tens of millions of humans lost, an intellectualized expression of cultural contempt for Africans served to justify the buying and selling of humans, and the economic, social and cultural deconstruction of the African continent.

The executioner always kills twice . . . .

The Fillmore community faced the same economic, social and cultural deconstruction as our African ancestors. The "presence of a Negro population" was considered a reason to deem a community an urban blight and order its destruction. But the community fought back and won some concessions. Those who sought to destroy found new tactics.

the second time with silence.

While the "presence of a Negro population" is no longer written it is still implied, evidenced by the recent attempts by the Board of Supervisors to prevent the development of a Home Depot in the Bayview. A project that would help revitalize the economic health of a neglected community. Yet, they attempted to silence our voice.

The executioner always kills twice . . . .

From the battles fought by those who spilled their blood and gave their lives to gain Civil Rights, we have witnessed the African American Community's rise to economic and political power. We have a voice in government; we have a seat at the table in deciding our own destiny.

the second time with silence.

One African American now sits on the Board of Supervisors and she is also the only woman in an arena that once had as many as 5 women. Frank Cook who has served this City well, was suddenly found to be under-

qualified for re-appointment to a commission he has held for years. The elections director is disrespected and dismissed by a renegade body who have stepped all over the City Charter to violate her civil rights. And all it seems because the Mayor by whom some of them were appointed is himself African American.

In the silence we find this dis-ease spreading to lack of representation by people of color, lack of attention to issues affecting women, intentional destruction of opportunities for economic growth [redacted] dissolution of our voting power, gentrification of our communities.

Our challenge is to bring to light the pattern of discrimination that seeks to destroy the African American community and now spreads to the victimization of people of Middle East descent. The responsibility is not just that of this commission but all mankind to assure we are not killed by the silent racism and the religious ignorance that is eating away the spirit of Cultural Peace.

Submitted this 13th day of June, 2002 to the San Francisco Human Rights Commission by Shelley Bradford-Bell

APPENDIX D

Tammy Haygood's firing by the Elections Commission is an example of the pattern and practice of attacks on African American Government Officials, African Americans who do business with the City, and policies, agencies, and programs that benefit the African American community

Leroy King
- San Francisco City and County's oldest seated appointed black official.
- Accused by Members of the S.F. Board of Supervisors of taking a kick back to purchase a house that his family owned for 30 years.
- Slandered by the San Francisco Chronicle.

Jim Jefferson
- Business owner in San Francisco for over 30 years.
- Served the City as a volunteer for over 30 years.
- One of the founders of Chapter 12D for minority businesses.
- Served as Commissioner on several City commissions.
- Instrumental in ending 18 years of racial discrimination at the Fire Department.
- City officials and department staffs have put several of his City contracts in jeopardy due to discrimination.
- Slandered by the San Francisco Chronicle.

Frank Cook
- Served the City as a volunteer for over 5 years
- Voted pursuant to the laws and procedures of the City and represented the interests of the working person.
- Maintained a perfect attendance record while serving on the SFPUC Commission.
- Highly decorated Sheriff.
- When he was up for reappointment along with another Commissioner with similar qualifications, the Board of Supervisors denied Commissioner Cooks' reappointment to the SFPUC Commission.
- Slandered by the San Francisco Chronicle.

Zula Jones
- Dedicated civil servant for over 18 years.
- Co-founder of the black chamber of commerce.
- Instrumental in the passage of Chapter 12D.A.
- Wrongfully indicted by the US Attorney Office
- Her office was illegally searched by the FBI (July 1999), as decided by the Ninth Circuit Court of Appeals on April 18, 2002 (unanimous 3-0 decision).
- Slandered by the San Francisco Chronicle.

Willie B. Kennedy
- Widow of Superior Court Judge Joseph Kennedy.
- Honorable member of BART board.
- Outreach consultant for the Redevelopment Agency in the Bayview/Hunter's Point neighborhood.

APPENDIX D

Housing Authority

- Housing Authority had started to pay more attention to the needs of the African American community, so the Board of Supervisors tried to take it over.

Redevelopment Agency

- The SF Board of Supervisors attempted to take over the Redevelopment Agency because Commissioner King voted in favor of developing Bayview/Hunter's Point to get rid of him.

Human Rights Commission

- Raided and shut down by the FBI on Friday, July 30, 1999.
- Children were locked in a room and weren't allowed to eat or go home until after 10:00 PM.

Third Street Light Rail

- Long-awaited project that will greatly reduce the burden of travelling from predominantly African-American Bayview/Hunter's Point to the rest of the City.
- Referred to as a "Soul Train" by Supervisor Tom Ammiano
- Supervisor Tom Ammiano made a racial slur in the media against the African-American.

What they have in common:

- African Americans.
- Leaders in the African American community.
- Affiliated with the City and County of San Francisco as officials or businesspeople.
- Programs and projects that benefit San Francisco's African American community.
- Work for the citizens of San Francisco under the administration of Mayor Willie Brown, San Francisco's first African American mayor.
- Slandered by the San Francisco Chronicle.

Submitted to the Human Rights Commission at the Commission's June 13, 2002 meeting by James Bryant

APPENDIX D

Tammy Haygood

- Ran three successful elections, which received a vote of approval by the Secretary of State of California.
- Was denied her due process rights and wrongfully terminated without reason by a predominantly white male Elections Commission.
- When the Mayor stated that her firing was due to racism, Supervisor Peskin said, "there they go again."
- Slandered by the San Francisco Chronicle.

Gerald Greene

- Director of the San Francisco Planning Department.
- Serving his second term as Director after working as department staff for many years.
- Questioned by the FBI and accused of taking a bribe from a City lobbyist.
- Slandered by the San Francisco Chronicle.

George Smith

- Lifted himself up from homelessness to become dedicated director of the Mayor's Office on Homelessness.
- Received a commendation from President Clinton for his outstanding work with the homeless.
- Implemented a model for dealing with homelessness that was adopted as a nation-wide model.
- Victim of official misconduct by Supervisor Chris Daly, who threatened to have him fired.
- Slandered by the San Francisco Chronicle.

Ronnie Davis

- Raised in public housing.
- Raised himself up to become the Director of the San Francisco Housing Authority (appointed by HUD).
- Cleaned up run-down, drug-infested public housing facilities in San Francisco.
- Created clean, drug-free, safe housing for low-income San Francisco residents.
- Created job and business opportunities for low-income San Francisco residents.
- Accused by Supervisor Ammiano of misappropriating federal and city funds.
- Wrongfully indicted for corruption and fraud against the housing authority, charges of which he was eventually acquitted.
- Slandered by the San Francisco Chronicle.

Home Depot

- Opportunity for economic empowerment and self-determination for the African American community.
- Instead of supporting the effort, the Board attempted to derail it (see Mayor's letter).

APPENDIX D

- Former San Francisco Board Supervisor and co-authored Chapter 12D.A. M/W/LBE Ordinance (19-84-89-91).
- Spoke out about violations of open government laws by the Elections Commission.
- Questioned and harassed by San Francisco Civil Grand Jury.
- Slandered by the San Francisco Chronicle.

Doris Ward

- Former member the Board of Supervisors, co-authored Chapter 12D.A. M/W/LBE Ordinance (19-84-89-91).
- 30 years of public service.
- Modernized and upgraded outdated operations of the Assessor's office.
- Saved the City's bond rating from being downgraded.
- After September 11th, the bond rating of all major counties in California was downgraded except for San Francisco.
- San Francisco's bond rating was not downgraded due to the assessment of property taxes by Doris Ward.
- Should be praised for saving the City's bond rating and for keeping the budget deficit from being even worse.
- Office raided by 25 FBI agents.
- Slandered by the San Francisco Chronicle.

Al Norman

- Business owner in San Francisco for over 20 years.
- Active in helping children and families in the African American community.
- Served as an African American Leader for the Bayview/Hunter's Point Community.
- Because of a baseless indictment, not able to work and constantly harassed by the media.
- White co-defendants have been let off, are still able to work on City's contracts, and have not suffered media harassment.
- Slandered by the San Francisco Chronicle.

Jackie Besser

- Business owner in San Francisco for over 10 years.
- Served the city as a volunteer for over 6 years.
- Attacked by the media for being a black female who knows the Mayor.
- Slandered by the San Francisco Chronicle.

Charlie Walker

- Leader in the African American community and businessman.
- Outspoken regarding the rights of the African American in San Francisco.
- Mistreated by City government and the media.
- Slandered by the San Francisco Chronicle.

APPENDIX E

National Women's Health Network Perspectives

BREAST CANCER AND AFRICAN AMERICAN WOMEN

Breast Cancer and African American Women **is one of a series of four fact sheets on breast cancer and women of color produced by the NWHN. The facts sheets are intended to provide both statistics and analysis of the current situation. Production and distribution of these fact sheets has been supported by a grant from The Breast Cancer Fund.**

Incidence

The breast cancer incidence for African American women is lower than White women, and higher than Latinas. In any one year, 95 out of every 100,000 African American women are diagnosed with breast cancer. In comparison, 112 out of every 100,000 White women, and 70 out of every 100,000 Latinas are diagnosed with breast cancer.[1] However, up to age 40 African Americans have a higher incidence than Whites.[2]

Mortality

Like the overall U.S. population, the site with the second highest cancer mortality rate for African American women is the breast. The leading cancer killer among women is lung cancer.[3]

The breast cancer mortality rate for African American women is higher than for White women and Latinas. In any one year, 31 out of every 100,000 African American women die of breast cancer. In comparison, 27 out of every 100,000 White women, and 15 out of every 100,000 Latinas die of breast cancer.[1]

Between 1989 and 1992 there was approximately a 5% decrease in mortality rates for White women with breast cancer, but approximately a 2% increase for African American women.[4]

Survival

The five-year breast cancer survival rate for African American women is lower than for White women and Latinas. The five-year survival is 69% for African Americans, 84% for White women, and 70% for Latinas.[1]

There are several reasons for the lower survival rate in African American women:

1.) Late diagnosis; i.e. African American women are more likely to be diagnosed after the cancer has spread.[5]

2.) Poverty; i.e. low income cancer patients are less likely to survive, even when diagnosed early.[5,6,7]

3.) Undertreatment; African American women are less likely than White women to receive appropriate treatment. According to a study in the American Journal of Public Health, in younger as well as older patients, and in earlier as well as later stages, African American patients were more likely than White patients to be untreated and to be treated by non-surgical methods.[7]

4.) Cancer nature; A recent study found that the actual tumor cells in African American women grow more rapidly, leading to more aggressive cancers at an earlier age. The differences seen in this

APPENDIX E

Further Considerations

Mammography rates for African American women are lower than White women and Latinas, but are increasing steadily.[1] Several barriers to getting mammograms exist for African Americans such as office visit and screening procedure costs, physicians' failure to discuss mammography with women, misconceptions that screening is unnecessary, and/or lack of health insurance.[5] The biggest unmet need for African American women is early recognition of the disease.

There are many unanswered questions concerning African American women and breast cancer. Why is it more common in younger women? Do the reasons above fully explain the worse survival rate? Further research in this population is necessary to answer these questions. In addition, there must be increased access to appropriate prevention, detection, and treatments for African American women.

Advocacy Groups

National Black Women's Health Project
1211 Connecticut Ave. NW Ste. 310
Washington DC, 20036
(202) 835-0117
A national grassroots advocacy organization with local chapters and self-help groups.

Women's Cancer Resource Center
3023 Shattuck Avenue
Berkeley, CA 94705

African American Breast Cancer Alliance
P.O. Box 8981
Minneapolis, MN 55408
(612) 644-1224
A member supported advocacy and support group for women with breast cancer. Includes regional and national networks.

1. African American Women: Breast Cancer and Mammography Facts. Cancer Facts. National Cancer Institute, National Institutes of Health. Update printed May 1996.
2. Hankey, BF, et al. Trends in Breast Cancer in Younger Women in Contrast to Older Women. Journal of the National Cancer Institute Monographs, No.16. 1994. p. 7.
3. Cancer Statistics Review. 1994. National Center for Health Statistics.
4. Health, United States 1994. National Center for Health Statistics 1995.
5. Wells, BL & Horm, JW. Stage at Diagnosis in Breast Cancer: Race and Socioeconomic Factors. American Journal of Public Health. Vol. 82, No. 10, October 1992, pp. 1383-1384.
6. Eley, JW, & Hill, HA, et al. Racial Differences in Survival from Breast Cancer. Journal of the American Medical Association. Vol. 272, No. 12, September 1994, p. 952.
7. McWhorter, WP, & Mayer, WJ. Black/White Differences in Type of Initial Breast Cancer Treatment and Implications for Survival. American Journal of Public Health. Vol. 77, No. 12, December 1987, pp. 1515-1516.
8. Siegel, R, et al. Survival of Black Women with Stage I and Stage II Breast Cancer is Inferior to Survival Among White Women When Treated the Same Way at a Single Institution. Proceedings of the Annual Meeting of the American Society of Oncology; 13:A75, 1994.

The National Women's Health Network, founded in 1976, is a non-profit organization which advocates for better federal health policies for women. The Network is financially supported by over 14,000 individual and 400 organizational members, and accepts no contributions from drug companies. In addition to policy work, the Network maintains a Women's Health Information Clearinghouse. For information about the Network, the list of health packets and publications available from the Clearinghouse, or information on becoming a member, please contact our office.

514 Tenth Street, NW

APPENDIX E

15) 822-8971
editor@sfbayview.com
PERMIT NO. 162
San Francisco BAYVIEW
National Black Newspaper of the Year- awarded by the National Black Chamber of Commerce
e 26, Number 40 October 3, 2001 www.sfbayview.com FREE

women under 40,

nters Point breast cancer rate highest in U.S.

A breast cancer epidemic and other startling facts were broadcast Saturday live from Hunters Point on KPFA.

Guest editorial by Kiilu Nyasha

On a sunny Saturday afternoon, Sept. 29, community residents and activists, health care providers, scientists, workers, contractors, artists, and other grassroots advocates for economic and environmental justice gathered at the Milton Meyer Gym on Kiska Road at the summit of Hunters Point Hill to voice their concerns about myriad issues affecting their lives. Representatives of these groups have joined together to form the Community First Coalition, which is battling the Navy and the City to address issues of toxic contaminatioo and pollution, gentrificatioo, the high incidence of asthma, cancer, aod other illnesses among residents, and a lack of jobs and affordable housing. They worked diligently to make this first town hall meeting a success. And, I'm proud to say, indeed it was.

Fifty years ago, the U.S. Navy used the Hunters Point Shipyard to clean up radioactive ships, conduct experiments, and invent new weapons. One little known fact is that the bomb dropped on Hiroshima, Japan, at the eod of World War II came from this Shipyard. Fifty years later, the Navy still hasn't come clean with what they left behind and how to get rid of it. Now they're preparing to expand research aod development efforts into the militarization of space.

Some of the stroogest testimony about the gross exploitation of the Black community living near the Shipyard — many African-Americans migrated to Huoters Poiot from Texas, Louisiana and other Southern states in the '40s — came from two such migrants, Jesse Mason and Willie Ratcliff. They gave brief but passionate, eloquent accounts of the Black experience in Bayview, chronicling the ongoing racism and oppression of its residents.

"No," insisted Mason, "we're not able to get the contracts the Navy is offering. We're not even able to get the cootracts in constructioo from the City, the federal government — we're not getting any of that. We're oot teacbing our youog people the career trades that we need so badly to bave them involved in. Economically, the community is dying. And what the City is doing, they're gentrifying the community."

"The cause of gentrification, of course," said Ratcliff, "is economic discrimination. Gentrification means running Black people out of their land so (others) cao develop it. That's what they're doing out here."

Some of the most disturbing and poignant remarks came from residents victimized by various illnesses resulting from the toxic mixes permeating the air, water, land and properties.

Paoelist Dr. Ahimsa Sumchai announced: "Now let me give you a fact that is goiog to startle you: In the United States of America, the highest incideoce of breast cancer for women under the age of 40 is in Bayview Hunters Point."

"Cancer rates for all cancers in this couotry are

See HUNTERS POINT, page 2

APPENDIX E

Community Forum

Editorials

Facing the rising sun of our new day begun, let us march on 'til victory is won.
—from the Black National Anthem, by James Weldon Johnson

Hunters Point: highest breast cancer rate

continued from page 1

declining," she said, so "why are African American women dying from more aggressive cancers that are coming on at an earlier age and that are not being treated at appropriate and standard levels?"

Maurice Campbell, coalition member and one of many spearheads of the campaign to clean up the Hunters Point Shipyard, summarized the broadcast as follows:

"In summary, Hunters Point's forgotten residents need your help and support in getting rid of toxic and radioactive contaminants which have gravely affected their health over many decades.

"Community residents presently have to survive in a toxic triangle — the Hunters Point Shipyard, the PG&E power plant, and the sewage treatment plant. As a community, they have had to endure far too much ill health, various forms of cancer, asthma, diabetes, and a host of other illnesses resulting from toxic and radiation exposure. At the same time, the regulators who are assigned to protect them are not doing their job. There were no health surveys of residents after the fires (toxic fires that began burning last August and continue to date). They were simply told they weren't exposed. Is this justice?

"In an economically strapped community, of the more than $300 million that has been spent for the cleanup of the shipyard, the community received less than 2 percent for jobs and contracts. Is that justice?

"Is it fair to bypass the local residents whose families, in many cases, lost their lives and health?

"We invite you to support Hunters Point in any way you can. Remember! Toxins don't see color or community boundaries or economic status. It could affect you!"

Thanks to KPFA, KPFB (Berkeley) and KFCF (Fresno), this event was broadcast to listeners throughout Northern California. I've already received calls from listeners who heard the three-hour program, saying that this is community radio at its best — what KPFA should be doing more often. Hopefully, this will be the first of a series of town hall meetings that let residents' voices be heard — uncensored and live — addressing the critical problems of their community.

We must continue to speak out on these issues of environmental justice, community-controlled, affordable housing, Shipyard cleanup and local, living-wage employment, health care, gentrification, education, and other issues affecting the lives of BVHP residents.

Together we can work out solutions to all these problems. But the first step toward solving them is developing unity. Each and every one of us must become an activist, an organizer — encouraging and persuading our neighbors to get involved, to take a stand and defend our community and its future generations. One little-known fact is that BVHP has the highest percentage of home ownership in the City. We have the power. We just have to become one fist in the fight for justice and healthy living conditions.

Special thanks to our excellent panelists for all their hard work and contributions to the discussion: Lynne Brown, Maurice Campbell, Theresa Coleman, Craig J. Cohen Jr., Jill Fox, Kevin Epps, Jesse Mason, Willie Ratcliff, Cynthia Selmar, Chris Shirley, Dr. Ahimsa Sumchai, and Ray Tompkins. Thanks to Don Paul and Mike Thomas for research and publicity. Kudos to Marie Harrison, our community co-host, who did a great job in facilitating the voices of our live audience and panelists. But this broadcast wouldn't have happened without our wonderful executive producer, Doug Edwards, and co-producer Matt Martin, who attended advance organizing meetings and did a terrific job of programming. Thanks too to sound engineer Maria Gilardin, station engineer, and board ops Jim Bennett and Deverol Ross, Paulette and Doug Norberg of Collision Course for videotaping, and Jeffrey Blankfort for photography. Big props to the Bay View newspaper, especially Mary and Willie Ratcliff, for their diligence and dedication in keeping these issues alive in the best Black newspaper in the nation. And last but not least, major thanks to all those in the live audience, especially those who let their voices be heard.

A personal note: This very special gathering was most gratifying for me because it was a kind of homecoming. I lived in Hunters Point public housing, on West Point Road and Harbor Road, in the early '70s with my two children, one of whom was conceived there. Known then as Pat Gallyot, I had fought the Housing Authority as an individual and lost the battle. I had naively withheld my rent for eight months, sending letters of protest detailing the terrible conditions instead. In April 1975, some very sinister looking plain clothes "pigs," (I was still in the Panther mode) came to my pad and refused to leave until I was moved out.

My own illness, polymyositis or many inflamed muscles, traces back to that month, when I felt the first muscle pain and weakness. At the time, I guessed it was from overworking my muscles in anger and rage as I struggled to become a martial artist, along with the stresses of homelessness. Doctors didn't know the cause.

But I've learned recently that toxic contamination, as well as stress, does impact the autoimmune system. Since doctors concluded my autoimmune cells attacked my muscles, I can presume now that stress and overexertion combined with toxins is the root cause of my condition.

The major lessons I learned from that disastrous experience were: first, if you decide to go on a rent strike, put your rent money in escrow, and second, the best way to fight such battles is to first organize the community so that you have the power of the people behind you.

The next opportunity to join this ongoing struggle will once again be a gathering at the Milton Meyer Gym, this time on Saturday, Oct. 13, from 1 to 6 p.m. "FALLOUT: Hunters Point to Outer Space; Communities Gathering for Action, Celebration, and Support" will feature Supervisor Sophie Maxwell, Wilson Riles, Maurice Campbell, performances by Soul'd Out Gospel Choir and many others. This is a free event that will provide a perimeter tour of Hunters Points Shipyard, music, speakers, free food and child care. Be there!

Note: Milton Meyer Gym is in violation of the ADA with regard to its rest rooms. Ironically, it's in compliance once inside, but the doors are not wide enough to accommodate wheelchairs. The City is hereby put on notice. Please don't make us have to get legal.

APPENDIX E

State of the Evidence

WHAT IS THE CONNECTION BETWEEN CHEMICALS AND BREAST CANCER?

EDITED BY NANCY EVANS
HEALTH SCIENCE CONSULTANT, THE BREAST CANCER FUND

PRESENTED BY
THE BREAST CANCER FUND
AND
BREAST CANCER ACTION

www.breastcancerfund.org
www.bcaction.org

Because of its volume, this report is available at request.

* Film investigator and producer of Rachel's Daughters, the award winning film about Searching for the causes of Breast

City and County of San Francisco
Human Rights Commission

June 27, 2002 (Cancelled)

****CANCELED****

Regular Meeting

Thursday, June 27, 2002

4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

****CANCELED****

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:
July 11, 2002
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

Toni A. Delgado
Commission Secretary

DOCUMENTS DEPT.

MAR 10 2005

SAN FRANCISCO
PUBLIC LIBRARY

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, July 11, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
JUL 3 2002
SAN FRANCISCO PUBLIC LIBRARY

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**
   a. Approval of minutes of Commission Meeting of April 25, 2002
      [➲Action Item *Attachment provided*]
   b. Approval of minutes of Commission Meeting of May 9, 2002
      [➲Action Item *Attachment provided*]
   c. Approval of minutes of Commission Meeting of May 23, 2002
      [➲Action Item *Attachment provided*]
   d. Approval of minutes of Commission Meeting of June 13, 2002
      [➲Action Item *Attachment provided*]

4. **CIRCULATE GENERAL COMMUNICATION FILE**

5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. **REPORT OF THE CHAIR**
   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]
   b. Discussion and possible approval to appoint Jean Obermier to the Transgender Civil Rights Implementation Task Force (Sparks)
      [◎Discussion Item *Attachment provided*]
   c. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]

7. **REPORT OF THE DIRECTOR**
   a. Update on the HRC Budget for Fiscal Year 2002-2003
      [◎Discussion Item]
   b. Chapter 12.D.A. Waiver Report for May (Fields)
      [◎Discussion Item]
   c. Chapter 12.D.A. Waiver Report for June (Fields)
      [◎Discussion Item]
   d. Presentation of Chapter 12.D.A. June 2002 Quarterly Report (Kanios)
      [◎Discussion Item]

8. **DISCUSSION AND UPDATE ON THE FOLLOWING ITEMS REGARDING THE JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY**
   a. Summary and review of community recommendations
      [◎Discussion Item]
   b. Proposed plan to handle Commission response to committee concerns
      [◎Discussion Item ➲Action Item]

9. **PRESENTATION FROM MAYOR'S OFFICE OF ECONOMIC DEVELOPENT IN RESPONSE TO COMMUNITY RECOMMENDATIONS FROM THE HRC'S PUBLIC HEARINGS ON ESCALATING VIOLENCE IN COMMUNITIES OF COLOR**
   [◎Discussion Item *Attachment to be provided at meeting*]

10. **PRESENTATION, DISCUSSION, AND POSSIBLE APPROVAL TO BEGIN WORK ON FELONY DISENFRANCHISEMENT PROJECT (ASERON)**
   [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

11. **DISCUSSION AND POSSIBLE APPROVAL OF RECORDS RETENTION POLICY (DELGADO/BARNES)**
   [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

12. **HRC DIVISION REPORT**
   Employment, Housing, and Public Accommodations Division:
   a. Report and update on Victoria's Secret Complaint (Anderson)
      [◎Discussion Item]
   b. Discussion and possible approval of resolution in memory of Dorothy M. Carr, leader in the Fair Housing movement
      [◎Discussion Item ➲Action Item *Attachment provided*]
   c. Discussion and possible approval of resolution in memory of Paul J. Trafficante, leader in the Fair Housing movement
      [◎Discussion Item ➲Action Item *Attachment provided*]

13. **COMMITTEE REPORTS**
   a. Lesbian Gay Bisexual Transgender Advisory Committee
      Commissioner Martha Knutzen, Chair
      Commissioner Theresa Sparks, Vice Chair
      Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

      i. Report of June 18, 2002 Committee Meeting
         [◎Discussion Item]
      ii. Discussion and possible approval of letter to Assembly member Fred Keeley supporting A.B. 2216 which would provide surviving domestic partners the right to inherit a partner's property
         [➲Action Item *Attachment provided*]

iii. Discussion and possible approval to hold a public hearing October 10, 2002 on the topic "Investigation Into the Needs of Older LGBT Adults," and to invite the Commission on Aging for a joint hearing.
[◎Discussion Item ➲Action Item]

b. Employment Committee
Commissioner Larry Lee, Chair
Commissioner Wilfred Hsu, Vice Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of June 6, 2002 Committee Meeting
[◎Discussion Item]

c. Issues Committee
Commissioner Haig Baghdassarian, Co-Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of June 12, 2002 Committee Meeting
[◎Discussion Item]

d. MBE/WBE/LBE Advisory Committee
Commissioner Charles Ward, Chair
Commissioner Shirley Dimapilis, Vice-Chair
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of June 19, 2002 Committee Meeting
[◎Discussion Item]

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Charles Ward, Vice-Chair
Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. Report of June 5, 2002 Committee Meeting
[◎Discussion Item]
ii. Report of July 3, 2002 Committee Meeting
[◎Discussion Item]

14. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

15. ADJOURNMENT

HRC CALENDAR: July 2002

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	2	3 Youth & Education Committee *Canceled*	4 Employment Committee *Canceled*	5
8	9	10 **Issues Committee** 5:30 pm 25 Van Ness, Suite 800	11 **Commission Meeting** 4:30 pm City Hall, Rm. 416	12
15	16 **LGBT Advisory Committee** 5:30 pm 25 Van Ness, Suite 800	17 **M/W/LBE Committee** 5:30 pm 25 Van Ness, Suite 800	18	19
22	23	24	25 Commission Meeting *Canceled*	26
29	30	31		

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or our website at www.sfgov.org/humanrights

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

RESOLUTION FOR DOROTHY M. CARR, M.A.

Last month, April 2002 was celebrated as National Fair Housing Month. In April of 1968, the passage of the 1968 Civil Rights Act marked what is commonly known as the Federal Fair Housing Act. To commemorate Fair Housing month, the Human Rights Commission honors Dorothy M. Carr as a leader in the Fair Housing Movement that brought enormous change and equality in San Francisco's housing market.

Whereas, Dorothy M. Carr was a San Francisco leader of the Committee of Park Merced Residents, an unincorporated association of tenants that was organized to eradicate the restrictive practices of Parkmerced, a housing development that discriminated against racial minorities in the 1960's; and

Whereas, the Metropolitan Life Insurance Company owned a 150 acres of land located on the southwest sector of San Francisco; they were the biggest landlord in San Francisco with 3,500 units. The Metropolitan Life's segregation policy was their national policy permeating all their housing developments across the country; and

Whereas, Dorothy M. Carr challenged the Metropolitan Life policy by filing a lawsuit that stated her constitutional rights through the Federal Fair Housing Act or Title VIII of Civil Rights Act of 1968 were violated; and that Parkmerced had lost the social benefits of being an integrated community by the exclusion of minority groups from her and her neighbors; and

Whereas, from 1969 through 1973, Ms. Dorothy Carr, and the Committee of Park Merced Residents filed a fair housing complaint with the Department of Housing and Urban Development (HUD) to stop discriminatory practices at Parkmerced; and subsequently filed a lawsuit against the owners to outlaw segregation in the Federal court and lost; only to lose again at the Federal Appellate court; and

Whereas, in December 7, 1972, the Supreme Court overturned the Federal Appellate decision affirming that the rights of these tenants had indeed been violated and the maintenance of segregated housing patterns tended to foster racism causing psychological trauma for both white and minorities residing in a segregated neighborhood; the Supreme Court decision was far reaching and penetrating to ban housing discrimination across the nation; and

Whereas, in October, 1973, the Parkmerced under pressure from the Supreme Court decision signed a consent decree to end their unjust policy and began the incorporation of affirmative action measures to rectify the imbalance and integrate Parkmerced to minority families; and therefore;

Be it resolved, the San Francisco Human Rights Commission honors Ms. Carr and her outstanding leadership and the Committee of the Park Merced Residents as leaders who led a movement to eradicate housing discrimination in San Francisco and across the nation; and

Be it resolved in celebration of National Fair Housing Month April 2002, the Human Rights Commission commemorate posthumously Dorothy M. Carr for her outstanding contributions of citizenship to fair housing in San Francisco.

EAD

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

RESOLUTION FOR PAUL J. TRAFFICANTE

Last month, April 2002 was celebrated as National Fair Housing Month. In April of 1968, the passage of the 1968 Civil Rights Act marked what is commonly known as the Federal Fair Housing Act. To commemorate Fair Housing month, the Human Rights Commission honors Paul J. Trafficante as a leader in the Fair Housing Movement that brought enormous change and equality in San Francisco's housing market.

Whereas, Paul J. Trafficante was a San Francisco leader of the Committee of Park Merced Residents, an unincorporated association of tenants that was organized to eradicate the restrictive practices of Parkmerced, a housing development that discriminated against racial minorities in the 1960's; and

Whereas, the Metropolitan Life Insurance Company owned a 150 acres of land located on the southwest sector of San Francisco; they were the biggest landlord in San Francisco with 3,500 units. The Metropolitan Life's segregation policy was their national policy permeating all their housing developments across the country; and

Whereas, Paul J. Trafficante challenged the Metropolitan Life policy by filing a lawsuit that stated his constitutional rights through the Federal Fair Housing Act or Title VIII of Civil Rights Act of 1968 were violated; and that Parkmerced had lost the social benefits of being an integrated community by the exclusion of minority groups from him and his neighbors; and

Whereas, from 1969 through 1973, Paul J. Trafficante, and the Committee of Park Merced Residents filed a fair housing complaint with the Department of Housing and Urban Development(HUD) to stop discriminatory practices at Parkmerced; and subsequently filed a lawsuit against the owners to outlaw segregation in the Federal court and lost; only to lose again at the Federal Appellate court; and

Whereas, in December 7, 1972, the Supreme Court overturned the Federal Appellate decision affirming that the rights of these tenants had indeed been violated and the maintenance of segregated housing patterns tended to foster racism causing psychological trauma for both white and minorities residing in a segregated neighborhood; the Supreme Court decision was far reaching and penetrating to ban housing discrimination across the nation; and

Whereas, in October, 1973, the Parkmerced under pressure from the Supreme Court decision signed a consent decree to end their unjust policy and incorporated affirmative action measures to rectify the imbalances to open Parkmerced to minority families; and therefore,

Be it resolved, the San Francisco Human Rights Commission honors Mr. Trafficante and his outstanding leadership and the Committee of the Park Merced Residents as leaders who led a movement to eradicate housing discrimination in San Francisco and across the nation; and

Be it resolved in celebration of National Fair Housing Month April 2002, the Human Rights Commission commemorate posthumously Paul J. Trafficante for his outstanding contributions of citizenship to fair housing in San Francisco.

EAD

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

PROCLAMATION
by the
Governor of the State of California

WHEREAS, April 2002 marks the 38th anniversary of California's fair housing law and the 34th anniversary of the federal civil rights law providing for equal housing opportunity; and

WHEREAS, California's fair housing law was enacted to protect the right of all residents of California to exercise free choice in housing regardless of race, color, religion, sex, marital status, national origin, ancestry, disability, familial status, sexual orientation or source of income; and

WHEREAS, despite existing state and federal legislation, discrimination in housing continues to be a serious problem, necessitating vigorous enforcement efforts by the State Department of Fair Employment and Housing and the Fair Employment and Housing Commission; and

WHEREAS, during the month of April, interested parties from the public and private sectors will participate in a nationwide effort to provide education about fair housing laws and to promote fair housing practices;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, do hereby proclaim April, 2002 as "Fair Housing Month."

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 14th day of March 2002.

Gray Davis

Governor of California

ATTEST:

Bill Jones

Secretary of State

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinecke
Wilfred Hsu
Martha Knutzen
Leslie D. Littleton
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

July 11, 2002

Assemblymember Fred Keeley
State Capitol
Sacramento, CA 95814

Dear Assemblymember Keeley:

The San Francisco Human Rights Commission ("HRC") is writing to express its strong support for the passage of A.B. 2216.

A.B. 2216 is an important piece of legislation that would increase the legal rights and economic benefits of domestic partners in California. The legislation would provide surviving domestic partners the right to inherit a partial to entire share of the partner's property if the partner dies without a will. As it stands currently, surviving domestic partners have no legal right to assets of their partners who die without a will. It is important to note that the legislation does not provide for any additional rights that are not already guaranteed to married individuals in California.

AB 2216 recognizes the importance of domestic partnerships and reinforces the legitimacy of this bond. Absent clear laws and guidelines, domestic partners are often caught in the middle of disagreements and sometimes litigation regarding families and partners' rights especially in situations where the immediate blood families have rejected the ailing or deceased partner because of his or her sexual orientation.

The HRC, through implementation of the Equal Benefits Ordinance, has taken great steps to ensure that City contractors provide benefits equally to employees with spouses and those with domestic partners. The HRC, however, fields numerous calls from individuals in San Francisco and throughout California seeking assistance on how to register a domestic partnership and information on their rights as a domestic partner. With the passage of A.B. 2216, the HRC will have another resource by which to inform our constituents of additional protections to which they are entitled under the law.

The HRC applauds your leadership and looks forward to the passage of AB 2216. Thank you.

Sincerely,

DRAFT

Ghada Saliba-Malouf
Commission Chair

25 Van Ness Avenue, Suite 800, San Francisco CA 94102-6033
Tel (415) 252-2500 • Fax (415) 431-5764 • TTY/TDD (415) 252-2550 • http://www.ci.sf.ca.us/sfhumanrights
The office location is accessible to and accommodates people with disabilities.

City and County of San Francisco
Human Rights Commission

July 11, 2002

Minutes
Regular Meeting
Thursday, July 11, 2002

Approved 08-22-02

DOCUMENTS DEPT
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm A. Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

Commission Secretary Toni A. Delgado stated that in the absence of the Chair and Vice-Chair, it was her responsibility to as Commission Secretary to accept nominations for this meeting's Chair. Ms. Delgado stated that Chair Saliba-Malouf suggested that Commissioner Knutzen chair this meeting, but it was the Commission Secretary's obligation to accept other nominations. By unanimous vote, Commissioner Knutzen was nominated to chair this meeting.

CALL TO ORDER

Acting Commission Chair Knutzen called the meeting to order at 4:35 p.m.

ROLL CALL

Commissioners Present	*Commissioners Excused*
Shirley Dimapilis	Ghada Saliba-Malouf, *Chair*
Malcolm A. Heinicke (arr. 5:21 pm)	Larry Lee, *Vice Chair*
Wilfred W. Hsu (arr. 4:42 pm)	Haig Baghdassarian
Martha Knutzen	
Johnnie Rollins	
Antonio Salazar-Hobson (left 6:10 pm)	
Theresa Sparks	
Charles Ward	

HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Marcus Arana, Lome Aseron, Larry Brinkin, James Fields, Cynthia Goldstein, Carmen Hererra, Carolyn Hom, Zula Jones, Melinda Kanios, Veronica Ng, Diana Rathbone, and Carmen Smith

Guests Present

Catherine Barnes, Deputy City Attorney; and Erika Garcia (HRC Intern)

A quorum was present.

APPROVAL OF MINUTES

Approval of minutes of Commission Meeting of April 25, 2002

Approval of minutes of Commission Meeting of May 9, 2002

Approval of minutes of Commission Meeting of May 23, 2002

Approval of minutes of Commission Meeting of June 13, 2002

The approval of the minutes of Commission meetings of April 25, May 9, May 23, and June 13 AS PRESENTED was moved (Rollins), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	8	Dimapilis, Heinicke, Hsu, Knutzen, Rollins, Salazar-Hobson, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Lee, Saliba-Malouf

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Louis Colabro

Member of the European/American Issues Forum, stated that he had two complaints filed with the HRC against the Anti-Defamation League and the San Francisco Examiner, citing racism and bigotry, and wanted to know the status. Mr. Colabro stated that the Anti-Defamation League (ADL) placed an ad in the San Francisco Chronicle on May 30, calling for the eradication of hatred and anti-Semitism. The ADL's ad listed many different groups who are victims of hatred such as Arabs, African-Americans, Asians, Gays, and Lesbians, but "white" people, were not listed. Mr. Colabro stated that the ADL is "hateful" to European American people.

(The three-minute timer sounded) Mr. Colabro asked for more time to speak. Acting-Chair Knutzen denied his request in the interest of others who are on the agenda and/or who also wished to make public comment. Mr. Colabro stated that he is concerned about his complaint. Acting Chair Knutzen stated that if staff has received the complaint, and it falls within our jurisdiction, he would hear back from HRC staffers or the City Attorney about the status of his complaint. Mr. Colabro stated that

HRC staff might be hostile toward his complaint, then asked if any of the Commissioners represented European American people and Commissioner Ward raised his hand. Mr. Colabro asked when his complaint would be heard.

Deputy City Attorney interrupted the proceedings, stated that under the Sunshine Act, the Commission cannot engage in matters which are not on the agenda. Ms. Barnes stated that this was an opportunity to speak and bring something to the Commission.

Acting Chair Knutzen stated that HRC staff will look into this complaint and that she will instruct the Director to give immediate attention to this complaint so that the Commission could provide a response to this complaint. Acting Chair Knutzen added that this issue has taken much more than three minutes and that this is not an agendized item. Mr. Colabro stated that the Commission is not answering his question to his satisfaction and that he felt he was entitled to discuss this issue at length.

Commissioner Salazar-Hobson asked the City Attorney if there was a way to move forward onto the next speaker and Ms. Barnes stated that the Acting-Chair has asked Mr. Colabro to stop and cede the floor. Commissioner Salazar-Hobson stated that as a member of the Jewish community, he was offended by...(interrupted by Mr. Colabro).

Thomas Jones

Stated that he submitted things to the HRC and he received a letter back from HRC Staffer, Ed Ilumin, which stated that the HRC did not have jurisdiction. He stated that he has been maligned and persecuted and wanted to submit additional paperwork to further support his claim.

Peter Loder

Mr. Loder declined to speak. He had nothing to say at this point.

Philip Melnick

Member of European American Issues Forum (EAIF), stated that there is bias in education. As there is a heritage month for all ethnic groups in this City, the EAIF's request for a European American History month is turned down consistently. Mr. Melnick stated that (by not invoking a Eurpean American History Month) we are ignoring the people who gave us Silicon Valley and everything in this room.

Nan Su

Mr. Su stated that the 20th of this month is the third year of persecution of Falun Gong Practitioners. Mr. Su submitted a report to the Commissioners which included statistics of hate crimes, sexual, torture and physical abuse. Mr. Su noted a few of the stories included in the report. Acting Chair Knutzen thanked Mr. Su for his report and invited him to leave additional copies of the report on the table for the public.

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Commissioner Dimapilis attended an event with the Philippine Consulate celebrating the independence and on there will be a presentation in front of City Hall on Sunday.

Discussion and possible approval to appoint Jean Obermier to the Transgender Civil Rights Implementation Task Force

Commissioner Sparks introduced Marcus Arana (HRC Staff), stated that he staffing the Transgender Civil Rights Implementation Task Force, in which the HRC has three appointees. The HRC currently has an open seat on this Task Force and Mr. Arana recommended that Jean Obermier be the person appointed to fill this vacant seat.

The approval to appoint Jean Obermier to the Transgender Civil Rights Implementation Task Force was moved (Sparks), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	8	Dimapilis, Heinicke, Hsu, Knutzen, Rollins, Salazar-Hobson, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Lee, Saliba-Malouf

REPORT OF THE DIRECTOR

Update on the HRC Budget for Fiscal Year 2002-2003

Director Harmon stated she and Joyce Smith (HRC Staff), attended the Board of Supervisors Budget Committee hearings, at which, she requested to upgrade two CCO-II's for Cynthia Goldstein who manages the HRC's Equal Benefits program and James Fields, who manages contract compliance at the Airport. The City's Analyst recommended one of the upgrades but not both; through meetings and phone calls, both of the positions were granted. The Budget Committee did not support any further cuts to the HRC budget.

Chapter 12.D.A. Waiver Report for May and June

James Fields (HRC Staff), presented the Commissioners with the 12.D.A. Waiver reports for the months of May and June and stated that he would be happy to answer any questions the Commissioners might have.

Commissioner Ward stated there was an article in the newspaper about a Grand Jury report in connection with these waivers and wondered what that was about. Deputy City Attorney stated that the Grand Jury report had to do whether or not certain contracts issued by another City department were appropriately issued, either because they were under $50,000 initially and then became more, or were subjected to sole source waivers. Commissioner Ward asked what the HRC's involvement was and Ms. Barnes stated that the HRC did not have to respond to the report.

Presentation of Chapter 12.D.A. June 2002 Quarterly Report

Melinda Kanios (HRC Staff) and statistician Mike Leong, presented the Commission with a summary of how department's have met the Mayor's goals with respect to M/W/LBE participation in prime and sub contract activity (visual charts available in Appendix A).

Acting Chair Knutzen thanked Ms. Kanios and Mr. Leong for the excellent visual report and the compilation of statistics to demonstrate need.

DISCUSSION AND UPDATE ON THE FOLLOWING ITEMS REGARDING THE JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN

COMMUNITY

Summary and review of community recommendations

Director Harmon stated that the issues that were raised at the June 13 public hearing continue to be very important to the African-American community and that she has recently been receiving calls from community members with concerns about the treatment of Linda Richardson by the Elections Commission, as well as a recent article in the Chronicle regarding alleged comments made by Elections Commissioners which were overheard while they were in Executive Session about what actions they might take should the Elections Commission return Ms. Haygood to the position as Director of the Elections Commission. The minutes approved at the beginning of this meeting contain all of the testimony from the June 13 hearing.

Proposed plan to handle Commission response to committee concerns

Director Harmon stated that she asked staff to prepare a table for the Commissioners, identifying issues raised by the community. Director Harmon proposed that each Commissioner choose a topic that he/she would like to work on with the aid of HRC staff. The Commission's response could range from issuing letters of concern to further hearings, presentations, investigations, findings, or other recommendations. The Commissioners chose to work of the topics as follows:

Treatment of African-American Leaders Knutzen, Rollins

Diverse representation on City Boards, Commissions, etc. Knutzen, Sparks

Education Dimapilis, Rollins

Environmental Racism Sparks, Ward

Economic Development Salazar-Hobson, Ward

Violence Dimapilis, Hsu

Racial Profiling Issues Committee

PRESENTATION FROM MAYOR'S OFFICE OF ECONOMIC DEVELOPENT IN RESPONSE TO COMMUNITY RECOMMENDATIONS FROM THE HRC'S PUBLIC HEARINGS ON ESCALATING VIOLENCE IN COMMUNITIES OF COLOR

Lome Aseron (HRC Staff), introduced Leamon Abrams, Director of the mayor's Office of Economic Development (MOED), stated that MOED wholeheartedly endorsed the conclusions and recommendations of the HRC Violence In Our City Report and are committed to working with HRC staff to implement the community recommendations.

Mr. Abrams noted a few projects that are stimulating economic growth and providing skills and training to young San Francisco citizens. The Octavia Boulevard Project, the Transbay Terminal in the Hunters Point shipyard, and the Old Mint.

Don Hesse, First Source Administrator with the City & County of San Francisco reported on the first year of the Mission Bay Construction Program, provided an update on the First Source Hiring Program, and the status report of MUNI Third Street Light Rail Community Jobs Program.

Mission Bay - Mr. Hesse reported that the City had received $3 million from Catellus, the developer of Mission Bay. Two kinds of jobs were to be developed; construction and permanent jobs in the commercial buildings. However, since the dot-com crisis, some of the commercial projects have gone bankrupt and Catellus stopped construction. The UCSF Biotech Building is still under construction and The GAP intends to finish their building. The residential units are still being built. Presently, there are no job opportunities for permanent employees.

First Source - Mr. Hesse reported that the first source hiring requirements have been extended to cover all City contracts over $200,000 including those received by non-profits. These provisions will cover over 2200 contracts including those awarded by the Department of Public Health, Department of Aging and Adult Services and the Department of Parking and Transportation.

MUNI - Mr. Hesse reported that the 3rd Street Light Rail Project would last for 2 1/2 years. There are eight different contracts: the track has been divided into 5 bids for 5 different segments; there are 2 electrical bids for the platforms; there will be 1 bid for the large Metro East Facility Muni yard. Muni is working closely with the Private Industry Council and the SF Department of Human Services to maximize first source job opportunities.

Miles Scott with MOED. Mr. Scott stated that similar to the Mission Bay project, the Home Depot project tried to include the element of community hiring and encourages developers and contractors to hire from within the community that they are developing in through First Source or through Memorandums of Understanding (MOU). Although the Home Depot project is not receiving any City funds and has no incentive to utilize community hiring programs, the City is working with Home Depot to establish some form of MOU that would state that a certain percentage of hiring would come from the community. MOED hopes that this effort will not only create employment opportunity and community esteem.

MOED Director Leamon Abrams concluded, stating that the City will be spending a lot of resources on trying to attract life sciences and biotechnology firms. As a result of that foresight, MOED feels that now is the time to create opportunities for young people to be employed in these fields. Mr. Abrams stated that we need to work with City College and the San Francisco Unified School District to develop employment training and readiness programs to get young people ready for the life sciences industry. Additionally, Mr. Abrams stated that we should work together to create youth entrepreneurship program, whereby community based organizations helped young people with developing business plans and small business.

Commissioner Dimapilis was thankful for the work MOED is doing in Bayview/Hunters Point and as a educator, she will share this vision and goal with her colleagues within the San Francisco school district.

Acting Chair Knutzen stated that the presentation was very good and she hopes that the HRC will provide strong support and advocacy for these positive community programs in the City.

PUBLIC COMMENT ON THIS ITEM

Roger Langford

Mr. Langford, member on the Advisory Council on the Commission on the Aging. He stated that in the year 2000 a study group visited Mondragon, Spain where they have no unemployment, no homelessness, and 163 worker owned businesses. Mr. Langford

wants Mondragon to be San Francisco's sister city in Spain. Mr. Langford hoped that this City could try alternate routes of employment, using the model of Mondragon, as the money stays in the community.

Acting Chair Knutzen referred this item to the HRC's Employment Committee.

PRESENTATION, DISCUSSION, AND POSSIBLE APPROVAL TO BEGIN WORK ON FELONY DISENFRANCHISEMENT PROJECT

Lome Aseron (HRC Staff) stated that the Felony Disenfranchisement Project was a community recommendation from our public hearings, but was also brought up at the last Commission meeting. This project is an attempt to help ex-offenders reintegrate into society. Mr. Aseron then introduced Erika Garcia (HRC Intern), who outlined the four main procedures that the Felony Disenfranchisement Project will provide.

The first is expungement of records, which is a large obstable that ex-offenders face when trying to find employment. The expungement of criminal records will release an ex-offender from all penalties and fines, and an ex-offender is qualified for expungement of records if he/she is not currently being charges with any crimes and if they have successfully completed parole and probation.

The second is reinstatement of driver's licenses, as many jobs require a valid driver's licenses.

The third is to set up a payment plan for back child support. The department hopes to work closely with the Department of Child Support Services.

Lastly, this project will help ex-offenders with any problems they may have with voting. California law allows ex-offenders to vote once they have successfully completed parole and probation, but many people are having problems. The HRC hopes to ensure that their right to vote is available and is being exercised.

Lastly, Ms. Garcia spoke about an interviewee named Dante, who is an example of a person who can benefit from this program. Dante is a 33 year-old resident of San Francisco who was prosecuted and convicted for selling drugs and possession of an illegal firearm in 1990. He spent 22 months in state prison, since then he enrolled in mechanical school and graduated, then enrolled in Aviation Mechanics and will be graduating this August, however he might not be able to work as an aviation mechanic until his criminal record is expunged. Dante has a large amount of debt due to child support arrears and as a result, his drivers license was revoked.

Lome Aseron concluded, asking the Commission for authorization to continue to work on this project. He stated this project may also be institutionalized in the form of a City ordinance.

Commissioner Heinicke asked what the anticipated staff commitment would be with this project, and is this a project that might be jointly done with law students at UC Hastings. Mr. Aseron stated that the HRC is looking at interns to do the bulk of the work and be supervised by staff attorney's at the HRC. Mr. Aseron envisions this project functioning much like a legal clinic, and the Commissioners agreed.

Commissioner Salazar-Hobson stated that he is involved with the "Street to Work Program" and offered his assistance with these efforts.

The authorization to continue work on this project was moved (Dimapilis), seconded (Rollins), and CARRIED by the following vote:

Ayes	8	Dimapilis, Heinicke, Hsu, Knutzen, Rollins, Salazar-Hobson, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Lee, Saliba-Malouf

DISCUSSION AND POSSIBLE APPROVAL OF RECORDS RETENTION POLICY

This item was continued for the next meeting.

HRC DIVISION REPORT

Employment, Housing, and Public Accommodations Division:

Report and Update on Victoria's Secret Complaint

Carmen Herrera (HRC Staff) stated that this case is a public accommodation discrimination complaint based on race and color. The client alleged that he was discriminated upon based on the fact the he was racially profiled. The client stated that he entered the store to shop for something for his fiancée around the Christmas holidays. While in the store, he took out his cell phone and then replaced it in his pocket. Upon exiting the store, one of the sales associates accused him of shoplifting perfume and was verbally and publicly humiliating him. The client came straight to the HRC and filed a complaint. The two parties have settled for monetary damages (an undisclosed amount). Per the agreement, Victoria's Secret is also subject to undergoing diversity training and racial profiling.

Discussion and possible approval of resolution in memory of Dorothy M. Carr, leader in Fair Housing movement

Discussion and possible approval of resolution in memory of Paul J.Trafficante, leader in Fair Housing movement

Frank Anderson (HRC Staff), introduced both of the resolutions stating that these two people have historically played a very important role in the Fair Housing movement in San Francisco. Mr. Anderson corrected the agenda, stating that Dorothy M. Carr is alive and well.

The approval of both resolutions of Dorothy M. Carr and Paul J. Trafficante, leaders in Fair Housing movement were moved (Dimapilis), seconded (Rollins), and CARRIED by the following vote:

Ayes	8	Dimapilis, Heinicke, Hsu, Knutzen, Rollins, Salazar-Hobson, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Lee, Saliba-Malouf

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

Report of June 18, 2002 Committee Meeting

Acting Chair Knutzen stated Director Harmon visited the committee; they received a

report on the Racial Privacy Initiative; worked on project assignment from the retreat; and planned for Pride Day booth and activities.

Discussion and possible approval of letter to Assembly member Fred Keeley supporting A.B. 2216 which would provide surviving domestic partners the right to inherit a partner's property

Acting Chair Knutzen stated that this letter addresses the need for more attention and rights in the area of domestic partners. The assembly bill directly addresses inheritance for domestic partners.

The approval of letter to Assembly member Fred Keeley supporting A.B. 2216 which would provide surviving domestic partners the right to inherit a partner's property was moved (Dimapilis), seconded (Heinicke), and CARRIED by the following vote:

Ayes	8	Dimapilis, Heinicke, Hsu, Knutzen, Rollins, Salazar-Hobson, Sparks, Ward
Noes	0	
Absent	3	Baghdassarian, Lee, Saliba-Malouf

Discussion and possible approval to hold a public hearing October 10, 2002 on the topic "Investigation Into the Needs of Older LGBT Adults," and to invite the Commission on Aging for a joint hearing

Acting Chair Knutzen hoped to hole a hearing during the Commission's normal meeting time (October 10) to investigate the needs of older LGBT adults.

The approval to hold a public hearing October 10, 2002 on the topic "Investigation Into the Needs of Older LGBT Adults," and to invite the Commission on Aging for a joint hearing was moved (Rollins), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	7	Baghdassarian, Dimapilis, Heinicke, Knutzen, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	3	Hsu, Lee, Salazar-Hobson

Commissioner Salazar-Hobson left at 6:10pm

The quorum was not affected

Employment Committee

Report of June 6, 2002 Committee Meeting

Acting Chair Knutzen stated that the Committee heard a report on the Racial Privacy Initiative, and a request to devote the next meeting solely on this issue.

Issues Committee

Report of June 12, 2002 Committee Meeting

Commissioner Sparks stated that the Committee addressed the Racial Privacy

Initiative; in attendance were Assistant Chief of Police Michael Saunders; Michael Hennessy, SF Sheriff; representatives from the District Attorney's Office, the Public Defenders office and Mary Dunlap, Director of the Office of Citizen Complaints. Everyone expressed that the Racial Privacy Initiative would substantially impact programs in the City and County of San Francisco, relative to law enforcement issues.

MBE/WBE/LBE Advisory Committee

Report of June 19, 2002 Committee Meeting

James Fields (HRC Staff), stated that the Committee received a report on the Racial Privacy Initiative and how the HRC's M/W/LBE program would be affected; a report from Lome Aseron (HRC Staff), on the BART DBE program; in future meetings, the Committee will receive presentations from the Port of Oakland, City of Los Angeles and the City of Sacramento, with regard to their DBE programs.

Youth and Education Committee

Report of June 5, 2002 Meeting

Commissioner Dimapilis Committee received a report on the Racial Privacy Initiative.

Report of July 3, 2002 Meeting

Commissioner Dimapilis stated that this meeting was canceled.

Acting Chair Knutzen noted that the Racial Privacy Initiative has been slated to appear on the March ballot.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

Commissioner Heinicke stated that he and Commissioner Rollins had a tour of the HRC the other day and thanked the Director, Secretary, and Staff. Commissioner Heinicke stated he will be working with Charlie Spiegel, regarding providing resources for adoption and child rearing for domestic partners at the County Clerk's office and hopes to bring this to the Commission in the near future.

Commissioner Rollins thanked staff for the introduction that she and Commissioner Heinicke received at the HRC offices last week.

[Discussion in reference to Civil Grand Jury Report] Deputy City Attorney Barnes noted that Commissioner Ward's question was there any criticism or issue regarding the Human Rights Commission in this report and the report concluded that some of the departments may not be adhering to what the HRC's requires, but there is nothing about the HRC or response requested from the HRC, contained in this report.

Commissioner Ward then asked if these departments are not adhering to what the HRC requires, what role or jurisdiction does the HRC have in this oversight. Commissioner Ward stated that the technique sound like contractors put contracts out for $49,000, circumventing the 50,000+ requirement for it to be competitive bidding, and then once the assign the contract to someone, they amend the bid to be $500,000, and the HRC procedure is effectively circumvented. Commissioner Ward asked if the HRC knows about these contracts and if so, what is happening.

Ms. Barnes stated that the Purchasing Department is currently in the process of issuing regulations which will mirror what the HRC requires.

Director Harmon stated that the HRC has no jurisdiction one a contract has been awarded, but HRC staff can report non-compliant firms to the Board of Supervisors under Chapter 12.D.A.

Commissioner Ward stated that he had not read the whole Grand Jury report but perhaps they have recommendations on how to prevent this from happening.

Ms. Barnes stated that this report made recommendations on the structure of this program and the one of the greater recommendations from the Civil Grand Jury was to instruct the Purchasing Department to issue regulations which will mirror what the HRC requires, therefore these regulations will be enforced.

Commissioner Heinicke asked if there are particular companies who are utilizing this loophole and Director Harmon stated that the issuing departments who are awarding the contracts are responsible.

Commissioner Sparks noted that recommendation #3 states that the Controller should provide an annual report to the Mayor or the Board of Supervisors on Sole Source contracts and asked if a report like that currently exists. Director Harmon stated that she was not aware of such a report.

Acting Chair Knutzen asked if this item could be agendized for further discussion.

Commissioner Sparks stated that the first speaker under public comment who was somewhat adamant, abusive, and maybe out of order, requested that the HRC agendize an item that would give the European-American Community, or as he termed it "white folks", an opportunity to talk about discrimination against that group. Commissioner Sparks asked if it was the HRC's intent to agendize the item and to make it public notice so that group has an opportunity to speak.

City Attorney Barnes stated that it was probably inappropriate for the Commission to do that until his complaint has been processed by staff, unless the Commission wants to take over.

Commissioner Sparks stated that many different ethnic groups have had hearings with the HRC and she had never heard of that particular group.

Acting Chair Knutzen noted that the Commission has heard from the group in the past and did not recommend a hearing. She stated that the HRC has routinely heard [Mr. Colabro's] public comments, reviewed and evaluated all of his complaints, and has afforded him every right available.

Commissioner Sparks asked if it is always the same individual and Acting Chair Knutzen responded affirmative.

Commissioner Ward stated that he has not seen [Mr. Colabro] since he has been on the Commission and not agendizing an item for them plays right into their hands. Commissioner Ward stated that he was willing to hear anyone and any complaints about their community and how they feel their community is being treated.

Commissioner Rollins stated that she did not want to address this item until this complaint has been properly reviewed, verified, and processed by HRC staff.

ADJOURNMENT

The meeting was adjourned 6:44 p.m.

NEXT MEETING

DATE: September 8, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416

San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon

Director

By: Toni A. Delgado

Commission Secretary

** NOTE: If you are viewing these minutes in electronic form - If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

CANCELED

Regular Meeting

Thursday, July 25, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!
The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

August 8, 2002
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
JUL 22 2002
SAN FRANCISCO
PUBLIC LIBRARY

Toni A. Delgado
Commission Secretary

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

City and County of San Francisco
Human Rights Commission

August 08, 2002

Regular Meeting Agenda
Thursday, August 8, 2002

4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

a. Approval of minutes of Commission Meeting of July 11, 2002

[-Action Item *Attachment provided*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[-Discussion Item]

b. Committee and Sub-Committee Assignments

[-Discussion Item]

7. REPORT OF THE DIRECTOR

a. Chapter 12.D.A. Waiver Report for July (Fields)

[-Discussion Item *Attachment to be provided at meeting*]

b. Discussion of LGBTH awards won by the Human Rights Commission

[-Discussion Item]

8. PRESENTATION AND POSSIBLE APPROVAL OF RESOLUTION HONORING NAGI DAIFULLAH, ARAB LABOR HERO

[-Action Item *Attachment to be provided at meeting*]

9. PRESENTATION OF SUMMER INTERN PROJECTS AND APPRECIATION CERTIFICATES

[-Discussion Item *Attachment to be provided at meeting*]

10. UPDATE ON PLAN ADDRESSING COMMUNITY RECOMMENDATIONS OBTAINED FROM THE JUNE 13, 2002 PUBLIC HEARING

[-Discussion Item *Attachment provided*]

11. DISCUSSION AND POSSIBLE APPROVAL OF RECORDS RETENTION POLICY (DELGADO/BARNES)

[-Discussion Item
-Action Item *Attachment provided*]

CLOSED SESSION

12. EXECUTIVE SESSION

a. Closed Session to discuss litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(b):

IN RE: Coral Construction

File Number 414196

San Mateo Superior Court

13. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

[-Action Item]

RETURN TO REGULAR BUSINESS

14. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Martha Knutzen, Chair

Commissioner Theresa Sparks, Vice Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of July 16, 2002 Committee Meeting

[-Discussion Item]

b. Employment Committee

Commissioner Larry Lee, Chair

Commissioner Wilfred Hsu, Vice Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of August 1, 2002 Committee Meeting

[-Discussion Item]

c. Issues Committee

Commissioner Haig Baghdassarian, Co-Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of July 10, 2002 Committee Meeting

[-Discussion Item]

d. MBE/WBE/LBE Advisory Committee

Commissioner Charles Ward, Chair

Commissioner Shirley Dimapilis, Vice-Chair

Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of July 17, 2002 Committee Meeting

[-Discussion Item]

e. Youth and Education Committee

Commissioner Shirley Dimapilis, Chair

Commissioner Charles Ward, Vice-Chair

Committee Staff: Carmen Smith, Roel Villacarlos, Melinda Wesley

i. No Report.

15. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

16. ADJOURNMENT

HRC CALENDAR: August 2002

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			1	2
			Employment Committee 1:30 pm 25 Van Ness, Suite 800	
5	6	7	8	9
		Youth & Ed Committee 5:30 pm 25 Van Ness, Suite 800	Commission Meeting 4:30 pm City Hall, Rm. 416	
12	13	14	15	16
		Issues Committee 5:30 pm 25 Van Ness,		

		Suite 800		
19	20	21	22	23
	LGBT Advisory Committee 5:30 pm 25 Van Ness, Suite 800	M/W/LBE Committee 5:30 pm 25 Van Ness, Suite 800	Commission Meeting 4:30 pm City Hall, Rm. 416	
26	27	28	29	30

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or our website at www.sfgov.org/sfhumanrights

City and County of San Francisco
Human Rights Commission

August 08, 2002

Minutes
Regular Meeting
Thursday, August 8, 2002

Approved 08-22-02

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm A. Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

CALL TO ORDER

Commission Chair Saliba-Malouf called the meeting to order at 4:34 p.m.

ROLL CALL

Commissioners Present	*Commissioners Excused*
Ghada Saliba-Malouf, *Chair*	Wilfred W. Hsu
Larry Lee, *Vice Chair*	Antonio Salazar-Hobson
Haig Baghdassarian (arr. 4:41 pm)	
Shirley Dimapilis	
Malcolm A. Heinicke	
Martha Knutzen	
Johnnie Rollins	
Theresa Sparks	
Charles Ward	

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson, Larry Brinkin, Cynthia Goldstein, Zula Jones, Diana Rathbone, Mary Gin Starkweather and Carla Vaughn

Guests Present

Edward Olsen, Deputy City Attorney; Frank Busch (HRC Intern); Clare Eustace (HRC Intern); Alex Freeman (HRC Intern); Darlene Lin (HRC Intern); Mhenaz Saiyed (HRC Intern); and Crystal Tajalle (HRC Intern)

A quorum was present.

APPROVAL OF MINUTES

Approval of minutes of Commission Meeting of July 11, 2002

This item was continued for the next meeting.

CIRCULATE GENERAL COMMUNICATIONS FILE

A general communications file was circulated.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Nan Su

Nan Su updated the commission on the happenings of Falun Gong. Mr. Su stated that persecution has been escalating, but more people are supporting Falun Gong. A U.S. resolution 188 just passed two weeks ago which urges the government of the Peoples Republic of China to cease the persecution and the US should investigate the illegal conduct of Chinese Officials in the U.S. Additionally, the Chinese San Francisco Consulate spoke on 96.1FM, stating, "American people should ban Falun Gong" and "I am certain that Falun Gong will become a violent organization".

REPORT OF THE CHAIR

Individual Commissioner Reports on Community Activities

Chair Saliba-Malouf attended the annual banquet at the Arab Cultural Center, which was canceled twice because of the events after September 11 and after the events in the Middle East. The community was finally able to reassemble an it was very positive and and helpful to the community.

Committee and Sub-Committee Assignments

Chair Saliba-Malouf stated that she appointed Commissioner Rollins to the Youth and Education Committee and Commissioner Heinicke to the Employment and M/W/LBE Committees. Chair Saliba-Malouf added that Commissioner Ward will be out of state for the next six weeks.

REPORT OF THE DIRECTOR

Chapter 12.D.A. Waiver Report for July

Director Harmon introduced Melinda Kanios (HRC Staff) who presented the Commissioners with the 12.D.A. Waiver reports for the month July and stated that she would be happy to answer any questions the Commissioners might have.

Commissioner Sparks asked about item 12, which states that a sole source waiver was

granted to an engineering company who designed a process and in turn they were also given a sole source to perform the study that they designed. Ms. Kanios stated that while developing the plan, the engineering company spent many hours in the community and developed a relationship, which was integral to performing the study.

Discussion of LGBTH awards won by the Human Rights Commission

Director Harmon reported on and recognized awards won by the LGBTH division. The first was the San Francisco LGBT Pride Committee honored Larry Brinkin (HRC Staff) with the 2002 Pride Freedom Award for his work in advancing the civil rights and freedom of the LGBT community. The second award was from the California Alliance for Pride (CAPE) and Equality, a state LGBT lobbying organization, recognized the work of Cynthia Goldstein and Larry Brinkin, and the entire staff of the LGBTH division for their work on behalf of the LGBT community. CAPE honored the fifth anniversary of the San Francisco Equal Benefits Ordinance and recognized the HRC as an organization who made this ground-breaking legislation possible.

Chair Saliba-Malouf congratulated Larry Brinkin and Cynthia Goldstein and stated that the Commissioners are always proud of the work they do [applause].

EXECUTIVE SESSION

Closed Session to discuss litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(b):

IN RE: Coral Construction

File Number 414196

San Mateo Superior Court

A vote to enter into executive session was moved (Heinicke), seconded (Lee), and CARRIED by the following vote:

Ayes	9	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Salazar-Hobson

Chair Saliba-Malouf moved the Commission into closed session at 4:46 p.m. and invited all members of the public and HRC Staff to leave the room.

RECONVENE IN OPEN SESSION

The Commission and reconvened in open session at 5:13 p.m.

Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

A vote to NOT DISCLOSE any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12 was moved (Baghdassarian), seconded (Dimapilis), and CARRIED by the following vote:

Ayes	9	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Salazar-Hobson

PRESENTATION AND POSSIBLE APPROVAL OF RESOLUTION HONORING NAGI DAIFULLAH, ARAB LABOR HERO

Chair Saliba-Malouf stated that Nagi Daifullah was a Yemeni farm worker and early labor hero back in the 1960's. August 17th will be Nagi Daifullah Day and Chair Saliba-Malouf feels that the HRC should join in celebrating his efforts.

PUBLIC COMMENT ON THIS ITEM

Monadel Herzalah, Local 87, stated that it is high time that we honor Nagi Daifullah and encourage his spirit of courage and the spirit of determination for the struggle of justice. Mr. Herzalah stressed the importance of unity among all minority workers and thanked the Commission.

The approval of the resolution honoring Nagi Daifullah, Arab labor hero was moved (Saliba-Malouf), seconded (Lee), and CARRIED by the following vote:

Ayes	9	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Saliba-Malouf, Sparks, Ward
Noes	0	
Absent	2	Hsu, Salazar-Hobson

PRESENTATION OF SUMMER INTERN PROJECTS AND APPRECIATION CERTIFICATES

Carla Vaughn (HRC Staff) had the pleasure of acknowledging the hard work of all the summer interns. Ms. Vaughn stated that this summer the HRC had approximately 13 interns assisting staff and although they could not all attend this meeting, she asked those who were in attendance to introduce themselves and provide a brief summary of their work.

Darlene Lin, student at George Washington High, worked with Administrative Staff doing various clerical tasks.

Frank Busch, Sophomore at Yale University, worked with certification and the web page.

Clare Eustace, 2nd Year student at U.C. Davis Law School, worked on a joint project with the National Lawyer's Guild and the HRC regarding law enforcement treatment of transgender inmates.

Alex Freeman, law student at Berkeley, updates resource materials for HIV in the workplace and provided training and did legal research on the ADA and how it will affect people with HIV.

Mhenaz Saiyed, student at San Francisco State University, worked on 9/11 Backlash project and assisted with Commission Meetings.

Crystal Tajalle, Boalt Law graduate and just took BAR, worked with certification and

with the Director on special projects.

Ms. Vaughn also acknowledged those interns who could not attend the meeting. Those were:

Chris Simi, a CORO youth fellow who will graduate from International High School in 2003.

Timothy Marshall, a Sophomore at City College who was referred by his Political Science teacher after receiving an A in the class.

Thomas Sims III, a high school junior.

Diandre Dynase, a Freshman an Galileo High School

Dino Duazo, a 3rd year law student at New College.

Erika Garcia, a Political Science/Chicano Studies graduate of UCLA.

Catherine Bidart, will graduate from Hastings Law School in 2004; and

Mind Lee who is attending U.C. Berkeley.

UPDATE ON PLAN ADDRESSING COMMUNITY RECOMMENDATIONS OBTAINED FROM THE JUNE 13, 2002 PUBLIC HEARING

Director Harmon stated that HRC staff has been assigned to work with the Commissioners who volunteered at the last Commission meeting to address community recommendations, and staff members will be reporting on each item.

Leadership and City Government

Larry Brinkin and Cynthia Goldstein (HRC Staffers)

Ms. Goldstein stated that Commissioners Knutzen and Rollins met with the staffers yesterday to brainstorm about how to approach the issues of the treatment of African American leaders and diversity on City Boards and Commissions. They discussed the following ideas: education of the community, of different community groups about the City and how to interact with the City; reaching out to the media; creating brochures to educate the public about what different government bodies in the City actually do and encourage boards and Commission's to hold meetings in neighborhoods; building leadership; the appointment process to boards and commissions and ensuring that those who are appointed are representative and reflective of this diverse city's citizens.

Commissioner Rollins stated the area of education was really important and that we are not doing enough within our own communities to encourage the process and functions of the HRC.

Commissioner Knutzen stated that the group tried to come up with a statement about why diversity is so important and how to send a message to some of these bodies about how important this issue is.

Education

Frank Anderson and Veronica Ng (HRC Staffers)

Frank Anderson stated that the first meeting's discussion centered around helping African-American children excel in school, low GPA of African-American students, and black teachers in the African-American community. A quality education should be offered to all groups and the HRC will be approaching our research along those lines.

Environmental Racism

James Fields and Diana Rathbone (HRC Staffers)

Diana Rathbone stated that James Fields is taking the lead role in this project, but was unable to attend this meeting. Ms. Rathbone stated that their group has had two meetings; that they have begun research and outreach in the community to and we are hoping to hold a public hearing. Ms. Rathbone stated that a website search uncovered very little from the mainstream press, and noted that there are 280 toxic chemical spots in the Bayview/Hunters Point area, and there is also the chemicals from the now defunct Naval shipyard. As a result, there are higher than average rates of breast cancer, cervical cancer, prostate cancer and asthma. Double the number of women under 50 in Bayview/Hunters Point have breast cancer than the rest of the City.

Commissioner Ward stated that staff is doing a great job about uncovering what is not being done in Bayview/Hunters Point area and our role is to raise this issue to a public level so the public understands what happens among black people and poor people.

Chair Saliba-Malouf left at 5:42 pm

The quorum was not affected

Commissioner Sparks states that this issue surfaces for a moment then dies down again and no agency has consistently looked at this issue, and contrasted what happened to the Presidio and what has happened with Bayview/Hunters Point.

Commissioner Heinicke also noted that the development on Treasure Island should also be researched and contrasted.

Comm Baghdassarian wondered if the Department of Public Health would be involved.

Economic Development

Frank Anderson and James Fields (HRC Staffers)

Mr. Anderson stated that their group had not yet met but will be meeting tomorrow, and he hopes to bring a summary of that discussion to the Commissioners at a later date.

DISCUSSION AND POSSIBLE APPROVAL OF RECORDS RETENTION POLICY

Toni Delgado (HRC Staff), introduced the updated records management program which contains all updated language so that our department is in compliance with the Sunshine Ordinance.

The records retention policy was moved (Dimapilis), seconded (Rollins), and CARRIED by the following vote:

Ayes	8	Baghdassarian, Dimapilis, Heinicke, Knutzen, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	3	Hsu, Salazar-Hobson, Saliba-Malouf

COMMITTEE REPORTS

Lesbian Gay Bisexual Transgender Advisory Committee

Report of July 16, 2002 Committee Meeting

Commissioner Knutzen stated that the Committee created and heard reports from Task Forces assigned from the retreat; working to coordinate the October 10 Senior LGBT Hearing; updating gender identity guidelines; will be having a panel in inter-sex issues; a large part of the evening was spent on discussing an article written by Matier and Ross regarding Tammy Haygood and her partner, which contained very transphobic sentiments.

Commissioner Sparks stated that Matier and Ross suggested that one of the reasons Ms. Haygood wanted her job back is to get health benefits for her female-to-male transgender husband. The words "sex change" were used two or three times and this is not the first time that Matier and Ross has used homophobic comments and the Committee feels that there should be some accountability.

Larry Brinkin (HRC Staff) added that he attended the Commission on Aging meeting and they had the HRC's invitation to hold a joint hearing for October 10 as an agenda item. Mr. Brinkin stated that the Commission accepted the invitation and were very enthusiastic.

Employment Committee

Report of August 1, 2002 Committee Meeting

Mary Gin Starkweather stated that Mr. Langford who talked about Madragon, Spain and the relationship with San Francisco. Mr. Langford wishes to establish a sister city relationship between Mondragon and the City. Don Hesse, gave a report on the Mission Bay program, the first source hiring program, and the MUNI project.

Issues Committee

Report of July 10, 2002 Committee Meeting

Commissioner Baghdassarian stated that the committee has focused its attention on the Racial Privacy Initiative. Commissioner Sparks talked about the D.W.B. report and racial profiling.

MBE/WBE/LBE Advisory Committee

Report of July 17, 2002 Committee Meeting

Commissioner Ward stated that the Committee received presentations from the Port of Oakland and the City of Los Angeles on their DBE programs.

Youth and Education Committee

No Report.

COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

There was no discussion.

ADJOURNMENT

The meeting was adjourned 6:05 p.m.

NEXT MEETING

DATE: August 22, 2002

TIME: 4:30 P.M.

PLACE: 1 Dr. Carlton B. Goodlett Place
Room 416

San Francisco, CA 94102

Respectfully submitted,

Virginia Harmon

Director

By: Toni A. Delgado

Commission Secretary

** NOTE: If you are viewing these minutes in electronic form - If appendices referenced herein are not attached in electronic form, you may request hard copies from the Commission Secretary **

City and County of San Francisco
Human Rights Commission

August 22, 2002

Regular Meeting Agenda
Thursday, August 22, 2002

4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

a. Approval of minutes of Commission Meeting of July 11, 2002

[-Action Item *Attachment provided*]

b. Approval of minutes of Commission Meeting of August 8, 2002

[-Action Item *Attachment provided*]

4. CIRCULATE GENERAL COMMUNICATION FILE

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

6. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[-Discussion Item]

b. Update on Legion of Honor "Eternal Egypt" Exhibition

[-Discussion Item]

7. REPORT OF THE DIRECTOR

a. Update on Commission Response to June 13 Public Hearing

[-Discussion Item]

b. Report on launch of new HRC Website

[-Discussion Item]

8. PRESENTATION OF RESOLUTION HONORING DOROTHY M. CARR, LEADER IN FAIR HOUSING MOVEMENT (ANDERSON)

[-Discussion Item]

9. PRESENTATION OF RESOLUTION IN MEMORY OF PAUL J. TRAFFICANTE, LEADER IN FAIR HOUSING MOVEMENT (ANDERSON)

[-Discussion Item]

10. UPDATE ON SAN FRANCISCO CIVIL GRAND JURY REPORT ON PROFESSIONAL SERVICES CONTRACTING II

[-Discussion Item]

11. HRC DIVISION REPORT

a. Equal Opportunity Division

i. Report on Geneva Towers Family & Senior Housing Development

[-Discussion Item]

12. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee

Commissioner Martha Knutzen, Co-Chair

Commissioner Theresa Sparks, Co-Chair

Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of August 20, 2002 Committee Meeting

[-Discussion Item]

ii. Possible approval of letter to Mayor Brown encouraging adoption of Mondragon, Spain as a Sister City

[-Action Item *Attachment provided*]

iii. Possible approval of letter to Center for Disease Control encouraging support for STOP AIDS Project's HIV prevention education materials

[-Action Item *Attachment to be provided at meeting*]

iv. Update on HRC response to Matier & Ross

[-Discussion Item]

b. Employment Committee

Commissioner Larry Lee, Co-Chair

Commissioner Malcolm Heinicke, Co-Chair

Commissioner Wilfred Hsu, Co-Chair

Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. No Report.

c. Issues Committee

Commissioner Haig Baghdassarian, Co-Chair

Commissioner Antonio Salazar-Hobson, Co-Chair

Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of August 14, 2002 Committee Meeting

[-Discussion Item]

d. MBE/WBE/LBE Advisory Committee

Commissioner Shirley Dimapilis, Co-Chair

Commissioner Malcolm Heinicke, Co-Chair

Commissioner Charles Ward, Co-Chair

Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of August 21, 2002 Committee Meeting

[-Discussion Item]

e. Youth and Education Committee

Commissioner Shirley Dimapilis, Chair

Commissioner Johnnie Rollins, Co-Chair

Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

i. No Report.

13. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

14. ADJOURNMENT

HRC CALENDAR: September 2002

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
2	3	4	5	6
		Youth & Ed Committee 4:30 pm 25 Van Ness, Suite 800	Employment Committee 1:30 pm 25 Van Ness, Suite 800	
9	10	11	12	13
			Commission Meeting 4:30 pm City Hall, Rm. 416	
16	17	18	19	20
		M/W/LBE Committee 5:30 pm	Issues Committee 5:30 pm	

		25 Van Ness, Suite 800	25 Van Ness, Suite 800	
23	24	25	26	27
	LGBT Advisory Committee 5:30 pm 25 Van Ness, Suite 800		Commission Meeting 4:30 pm City Hall, Rm. 416	
30				

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or our website at www.sfgov.org/sfhumanrights

+ attachments received

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

SEP 6 2002

SAN FRANCISCO
PUBLIC LIBRARY

09-05-02A11:14 RCVD

Regular Meeting Agenda

Thursday, September 12, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CIRCULATE GENERAL COMMUNICATION FILE**

4. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. **REPORT OF THE CHAIR**
   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]
   b. Update on Legion of Honor "Eternal Egypt" Exhibition
      [◎Discussion Item]

6. **REPORT OF THE DIRECTOR**
   a. Chapter 12.D.A. Waiver Report for August (Fields/Kanios)
      [◎Discussion Item *Attachment provided*]
   b. Presentation of Chapter 12.D.A. September 2002 Quarterly Report (Kanios/Villacarlos)
      [◎Discussion Item *Attachment provided*]

7. **UPDATE ON 9/11 BACKLASH TASK FORCE**
   [◎Discussion Item]

8. **DISCUSSION AND POSSIBLE APPROVAL RESOLUTION IN HONOR OF SUKHPAL SINGH**
   [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

9. **DISCUSSION AND UPDATE ON COMMISSION RESPONSE TO COMMUNITY CONCERNS JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY (RIVERA-WEISS)**
   [◎Discussion Item]

10. HRC DIVISION REPORT

a. Lesbian, Gay, Bisexual, Transgender, HIV Division

i. Report on HRC Complaint Database (Brinkin)

[◎Discussion Item]

11. COMMITTEE REPORTS

Note: In order to save space on our agendas, Committees who are NOT reporting will no longer be included on agendas

a. Employment Committee

Commissioner Larry Lee, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Wilfred Hsu, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

---

i. Report of September 5, 2002 Committee Meeting

[◎Discussion Item]

ii. Discussion and possible approval of resolutions relating to the development of apprenticeship program for elevator workers

[➲Action Item *Attachment to be provided at meeting*]

b. Youth and Education Committee

Commissioner Shirley Dimapilis, Chair
Commissioner Johnnie Rollins, Co-Chair
Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

---

i. Report of September 4, 2002 Committee Meeting

[◎Discussion Item]

12. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

13. ADJOURNMENT

HRC CALENDAR: September 2002

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
2	3	4 **Youth & Ed Committee** 4:30 pm 25 Van Ness, Suite 800	5 **Employment Committee** 1:30 pm 25 Van Ness, Suite 800	6
9	10	11	12 **Commission Meeting** 4:30 pm City Hall, Rm. 416	13
16	17	18 **M/W/LBE Committee** 5:30 pm 25 Van Ness, Suite 800	19 **Issues Committee** 5:30 pm 25 Van Ness, Suite 800	20
23	24 **LGBT Advisory Committee** 5:30 pm 25 Van Ness, Suite 800	25	26 **Commission Meeting** 4:30 pm City Hall, Rm. 416	27
30				

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

City and County of San Francisco
Human Rights Commission

September 26, 2002

Regular Meeting Agenda
Thursday, September 26, 2002

4:30 p.m.

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

ROSTER OF COMMISSIONERS
Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward
Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. CIRCULATE GENERAL COMMUNICATION FILE

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. REPORT OF THE CHAIR

a. Individual Commissioner Reports on Community Activities

[-Discussion Item]

b. Update on Legion of Honor "Eternal Egypt" September 17th Exhibition

[-Discussion Item]

6. REPORT OF THE DIRECTOR

a. No Report.

7. PRESENTATION AND POSSIBLE ADOPTION OF REPORT OF JANUARY 10, 2002 BACKLASH, VIOLENCE, HUMAN RIGHTS VIOLATIONS & DISCRIMINATION IN THE WAKE OF SEPTEMBER 11, 2001 (RIVERA-WEISS)

[-Discussion Item
-Action Item *Attachment provided*]

8. DISCUSSION AND POSSIBLE ADOPTION OF LETTER TO THE SAN FRANCISCO AIRPORT REGARDING CULTURAL SENSITIVITY TRAINING PROVIDED BY THE ARAB CULTURAL CENTER

[-Discussion Item
-Action Item *Attachment to be provided at meeting*]

9. PRESENTATION AND POSSIBLE ADOPTION OF REPORT ON THE RACIAL PRIVACY INITIATIVE: ANTICIPATED IMPACTS ON CITY PROGRAMS

[-Discussion Item
-Action Item *Attachment provided*]

CLOSED SESSION

10. EXECUTIVE SESSION

a. Closed Session to discuss litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(b):

IN RE: Coral Construction

Case Number 319549

San Francisco Superior Court

11. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.

[-Action Item]

RETURN TO REGULAR BUSINESS

12. RESPONSE TO COMMUNITY CONCERNS JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY REGARDING LEADERSHIP AND CITY GOVERNMENT (GOLDSTEIN)

a. Discussion and possible approval to hold some of the Human Rights Commission meetings in the neighborhoods

[-Discussion Item
-Action Item]

b. Discussion and possible approval of letter to Mayor Brown requesting that he urge City Boards and Commissions to hold some of their meetings in the neighborhoods

[-Discussion Item
-Action Item *Attachment provided*]

c. Discussion and possible approval of letter to Board of Supervisors President Tom Ammiano urging the Board of Supervisors to hold some of their meetings in the neighborhoods

[-Discussion Item
-Action Item *Attachment provided*]

d. Discussion and possible approval of letters to appointing officials (list provided) proposing methods of increasing the diversity of participants serving on City Boards and Commissions

[-Discussion Item
-Action Item *Attachment provided*]

e. Discussion and possible approval of letter to the Executive Director of the Mayor's Office of Neighborhood Services urging the development of outreach and education plans to increase public involvement in civic life

[-Discussion Item
-Action Item *Attachment provided*]

13. PRESENTATION OF HRC RESOLUTION IN HONOR OF SUKHPAL SINGH

[-Discussion Item *Attachment to be provided at meeting*]

14. PRESENTATION OF HRC RESOLUTION COMMENDING THE WOMEN ELEVATOR WORKERS AND THEIR SUPPORTERS

[-Discussion Item *Attachment to be provided at meeting*]

15. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION HONORING THE LIFE OF LGBTH COMMUNITY ADVOCATE ROBERT BARNES

[-Discussion Item
-Action Item *Attachment provided*]

16. DISCUSSION AND POSSIBLE ADOPTION OF LETTER TO THE SAN FRANCISCO ELECTIONS COMMISSION PRESIDENT REGARDING ALLEGED REMARKS

[-Discussion Item
-Action Item *Attachment provided*]

17. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

18. ADJOURNMENT

HRC CALENDAR: October 2002

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4
	LGBTAC Senior Issues Public Hearing Task Force 5:30-7:30 pm 25 Van Ness, Suite 800	Youth & Ed Committee 4:30 pm 25 Van Ness, Suite 800	Employment Committee 1:30 pm 25 Van Ness, Suite 800	
7	8	9	10	11
	LGBTAC Gender Identity Guidelines Revision Task Force 5:30-7:30 pm 25 Van Ness, Suite 800	Issues Committee 5:30 pm 25 Van Ness, Suite 800	Commission Meeting - *Special Hearing on LGBTH Senior Issues* 4:30 pm City Hall, Rm. 416	
14	15	16	17	18
Holiday Columbus Day Observed		M/W/LBE Committee 5:30 pm 25 Van Ness, Suite 800		
21	22	23	24	25
	LGBT Advisory Committee 5:30 pm		Commission Meeting 4:30 pm	

	25 Van Ness, Suite 800		City Hall, Rm. 416	
28	29	30	31	

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

City and County of San Francisco
Human Rights Commission

October 10, 2002 (Special Meeting)

DOCUMENTS DEPT
JAN 25 2005
SAN FRANCISCO
PUBLIC LIBRARY

The San Francisco Human Rights Commission
and
The San Francisco Aging and Adult Services Commission

will hold a Joint Hearing on

Aging in the Lesbian Gay Bisexual Transgender Communities

The Hearing seeks verbal and/or written testimony from members of the public, especially older members of the Lesbian, Gay, Bisexual, and Transgender communities, regarding their concerns and challenges, including legal, economic, and social issues, health, housing, and access to discrimination-free senior services.

Thursday, October 10, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place
San Francisco

For questions, please contact:
Larry Brinkin, Human Rights Commission @ (415) 252-2510
Joanne Holland, Aging and Adult Services Commission @ (415) 864-6051, x20

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 - 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

DOCUMENTS DEPT.

OCT 7 2002

SAN FRANCISCO
PUBLIC LIBRARY

City and County of San Francisco

Aging & Adult Services Commission
25 Van Ness Avenue, Suite 650
San Francisco, California 94102-4689
415-864-6051 Phone
415-864-3991 Fax

Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, California 94102-6033
415-252-2500 Phone
415-431-5764 Fax

The San Francisco Human Rights Commission
and
The San Francisco Aging & Adult Services Commission
will hold a Joint Hearing on

Aging in the Lesbian Gay Bisexual Transgender Communities

The Hearing seeks verbal and/or written testimony from members of the public, especially older members of the Lesbian, Gay, Bisexual, and Transgender communities, regarding their concerns and challenges, including legal, economic, and social issues, health, housing, and access to discrimination-free senior services.

Thursday, October 10, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place
San Francisco

For questions, please contact:
Larry Brinkin, Human Rights Commission @ (415) 252-2510
Joanne Holland, Aging & Adult Services Commission @ (415) 864-6051, x20

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 42 and 71. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.
OCT 24 2002
SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting Agenda

Thursday, October 24, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CIRCULATE GENERAL COMMUNICATION FILE**

4. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. **REPORT OF THE CHAIR**
   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]

6. **REPORT OF THE DIRECTOR**
   a. Chapter 12.D.A. Waiver Report for September (Fields)
      [◎Discussion Item *Attachment to be provided at meeting*]

7. **RESPONSE TO COMMUNITY CONCERNS JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY**
   a. Discussion and possible approval of letter to SFUSD Arlene Ackerman regarding concerns of the African-American community on the subject of education
      [◎Discussion Item ➲Action Item *Attachment provided*]

8. **PRESENTATION OF HRC STAFF COMPLAINT PROCESSING MANUAL (BRINKIN)**
   a. Presentation of Staff Complaint Processing Manual
      [◎Discussion Item *Attachment to be provided at meeting*]
   b. Discussion and possible approval of letter of commendation to TechProse consultant Tim Rayborn
      [◎Discussion Item ➲Action Item *Attachment provided*]

9. **HRC DIVISION REPORT**
   Employment, Housing, and Public Accommodations Division:
   a. Report and update on complaints filed with the HRC since 9/11/01 (Anderson)
      [◎Discussion Item]

10. **PRESENTATION OF HRC RESOLUTION COMMENDING THE ELEVATOR UNION REGARDING THE DEVELOPMENT OF APPRENTICESHIP PROGRAMS**

[◎Discussion Item *Attachment to be provided at meeting*]

CLOSED SESSION

11. EXECUTIVE SESSION

a. Closed Session to discuss litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(b):

IN RE: City and County of San Francisco v. Scott Co. of California, et al
Santa Clara Superior Court
Case # CV787-323

12. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[➲Action Item]

RETURN TO REGULAR BUSINESS

13. COMMITTEE REPORTS

a. Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Co-Chair
Commissioner Theresa Sparks, Co-Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of September 24, 2002 Committee Meeting
[◎Discussion Item]
ii. Report of October 22, 2002 Committee Meeting
[◎Discussion Item]

b. Employment Committee
Commissioner Larry Lee, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Wilfred Hsu, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of October 3, 2002 Committee Meeting
[◎Discussion Item]

c. Issues Committee

Commissioner Haig Baghdassarian, Co-Chair
Commissioner Antonio Salazar-Hobson, Co-Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. Report of September 19, 2002 Committee Meeting
[◎Discussion Item]
ii. Report of October 9, 2002 Committee Meeting
[◎Discussion Item]

d. MBE/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Charles Ward, Co-Chair
Committee Staff: Selormey Dzikunu, Bayard Fong, James Fields

i. Report of September 18, 2002 Committee Meeting
[◎Discussion Item]
ii. Report of October 16, 2002 Committee Meeting
[◎Discussion Item]

e. Youth and Education Committee
Commissioner Shirley Dimapilis, Chair
Commissioner Johnnie Rollins, Co-Chair
Committee Staff: Melinda Kanios, Carmen Smith, Roel Villacarlos

i. Report of October 2, 2002 Committee Meeting
[◎Discussion Item]

14. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

15. ADJOURNMENT

HRC CALENDAR: November 2002

5	-Election Day -LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
6	Youth and Education Advisory Committee	4:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
7	Employment Committee Meeting	1:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
11	Veterans Day		
12	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.- 7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
13	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
14	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
19	LGBT Advisory Committee's Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	M/W/LBE Advisory Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
28	-Regular Commission Meeting-CANCELED -Thanksgiving		
30	Hanukkah		

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

October 24, 2002

DRAFT

Mr. Tim Rayborn
TechProse
3468 Mt. Diablo Blvd.
Suite B105
Lafayette, CA 94549

Dear Mr. Rayborn:

We are writing to commend you on the excellent service you provided to the Human Rights Commission in assisting us in the production of a staff manual for processing complaints of discrimination.

The production of this manual represents the realization of a long-term goal of the Commission – providing staff, and parties to complaints, a consistent approach for the methodology of complaint handling.

Your assistance to the Commission in accomplishing this task has been extremely helpful. Your excellent writing skills, your facility with computer technology, your comprehensive grasp of content, and your cooperation with staff were essential components of bringing this project to fruition.

We greatly appreciate your working with us in providing the tools we need to respond to discrimination in San Francisco.

Sincerely,

DRAFT
Ghada Saliba-Malouf
Chair

DOCUMENTS DEPT.
OCT 24 2002
SAN FRANCISCO
PUBLIC LIBRARY

Cc: Diane Mesisca, TechProse

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

DRAFT

October 24, 2002
Arlene Ackerman, Superintendent of Schools
San Francisco Unified School District
135 Van Ness Avenue
San Francisco, CA 94102

Dear Superintendent Ackerman:

On June 13, 2002, the Human Rights Commission (HRC) held a special public hearing to gather information on the concerns of members of the African American community in San Francisco. The Commission has identified several areas of focus, including public education, in its effort to address some of these concerns. We believe that an informed community is an empowered community. We are writing to you to request your assistance in improving the communication of information between the San Francisco Unified School District (SFUSD) and our community members. Among the comments made by speakers at the hearing were the following allegations:

- "In the school system, there is no parity in terms of black teachers in the African American community. Young African Americans average a D+ in schools and we need to focus on the African American community to ensure that all of the children excel."

- "The education system in San Francisco is a disgrace. He [speaker] stated that it is a human right in the United States to have the benefit of public education and the HRC should call upon the school district and the Board of Education to explain themselves."

- "She [speaker] stated she raised her children in Bayview and through the public school system and her son is a college graduate and a fire fighter with the City and County of San Francisco. She stated that her son is a product of a system that said he couldn't do it as a black youth, but people can; especially with the kind of support that the HRC can author to the community."

There was a perception at this public hearing that the needs, problems and concerns of African American students and their families were not being addressed in a meaningful, comprehensive and timely manner. Some of these continuing problems were cited in reference to "The Unfinished Agenda: The Economic Status of African Americans in San Francisco 1964-1990", published by the HRC in 1993. Enclosed is a copy of the executive summary of this report for your reference. The Human Rights Commission was requested by the attendees at this hearing, to look into these matters, inform the responsible parties, obtain information, report back and assist when appropriate in the resolution of these problems.

DOCUMENTS DEPT.

OCT 2 4 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT

The Human Rights Commission is aware of some of your efforts to address the under achievement of African American students in the school district. However, persons speaking on this subject at the hearing, were not aware of the SFUSD's programs, activities and the progress you have made. It appears that these speakers and others in the community have not been in the SFUSD's information loop. Can this communication issue be addressed and corrected? Also, an updated report on your efforts to address the myriad of issues regarding quality education for African American students would also be very helpful. Some of the topics you may wish to consider for community relations and information outreach are the following:

- SFUSD settlement of the desegregation lawsuits and the terms of the settlement agreements.
- Excellence for All, the District's Five Years Comprehensive Plan to Achieve Equity in the San Francisco Unified School District.
* Achievement Test Baselines.
* African American Family Education and Cultural Center Seminars On Empowering the African American Family.
- Cultural enrichment programs/activities for African American students.
- Recruitment and employment of African American educators.

Also, any other topics that you think would be informative and helpful would also be welcomed.

The Human Rights Commission believe that San Francisco will be strengthened by better informing the African American community and other communities about the activities of the SFUSD; and about how to have their ideas and concerns heard and address by the district and government. Also, please find enclosed a copy of the "Youth Resource Guide 2001 – Youth Programs and Facilities funded by the City and Country of San Francisco", published by the Human Rights Commission. Please feel free to duplicate and distribute this guide to your staff and constituents, in an effort to inform and engaged our youth and their families in our community resources.

The Human Rights Commission appreciates your commitment to fostering the full participation of our residents in the education of our youth. I hope you will consider our recommendations and that you will call upon us if we may be of any assistance.

Sincerely,

Ghada Saliba-Malouf
Commission Chair
Enclosures (2)

The Unfinished Agenda

The Economic Status of African Americans in San Francisco 1964-1990

EXECUTIVE SUMMARY

The Committee on African American Parity
of the
Human Rights Commission
of
San Francisco

February 1993

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Youth Resource Guide

2001

Youth Programs and Facilities Funded by the City and County of San Francisco

1st Edition

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

F
30
1
1/14/02

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, November 14, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
NOV 13 2002
SAN FRANCISCO
PUBLIC LIBRARY

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CIRCULATE GENERAL COMMUNICATION FILE**

4. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. **REPORT OF THE CHAIR**
   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]

6. **REPORT OF THE DIRECTOR**
   a. Chapter 12.D.A. Waiver Report for October (Fields)
      [◎Discussion Item *Attachment provided*]

7. **HRC DIVISION REPORT**
   Lesbian, Gay, Bisexual, Transgender, HIV Division:
   a. Equal Benefits: 5 Year Report: Discussion of enforcement and compliance over past five years (Goldstein)
      [◎Discussion Item]

8. **RESPONSE TO COMMUNITY CONCERNS JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY**
   a. Discussion regarding Economic Development (Fields)
      [◎Discussion Item]
   b. Discussion regarding development of Environmental Racism Hearing (Rathbone)
      [◎Discussion Item]

9. **PRESENTATION REGARDING MBE/WBE PLAN FOR EVALUATION OF REAUTHORIZATION OF 12.D.A (RATHBONE/FIELDS)**
      [◎Discussion Item]

10. PRESENTATION AND UPDATE ON TEST CASES RELATING TO HRC'S FELONY DISENFRANCHISEMENT PROJECT (JONES)

[◎Discussion Item]

11. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION HONORING THE LIFE OF LGBTH COMMUNITY LEADER, HARRY HAY

[◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

12. COMMITTEE REPORTS

a. Employment Committee
Commissioner Larry Lee, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Wilfred Hsu, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of November 7, 2002 Committee Meeting
[◎Discussion Item]

CLOSED SESSION

13. EXECUTIVE SESSION

a. Closed Session to discuss litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(b):

IN RE: City and County of San Francisco v. Tudor-Saliba, et al
U.S. District Court: Northern District of California
Case # C 02 5286

14. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[➲Action Item]

RETURN TO REGULAR BUSINESS

15. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

16. ADJOURNMENT

HRC CALENDAR: November 2002

5	-Election Day -LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.-7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
7	Employment Committee Meeting	1:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
11	Veterans Day		
12	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.-7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
13	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
14	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
19	LGBT Advisory Committee's Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
20	M/W/LBE Advisory Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
21	Youth and Education Advisory Committee	4:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
28	-Regular Commission Meeting-CANCELED -Thanksgiving		
30	Hanukkah		

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

TO: **Chair, Ghada Saliba-Malouf and Members of the Human Rights Commission**

FROM: **James F. Fields**

DATE: **November 6, 2002**

Subject: **October 2002 Waiver Report**

DOCUMENTS DEPT.

NOV 1 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

Per your request, please find those waivers granted for the month of October 2002. An outline of each waiver request and basis for its determination follows.

No. 1 Sole Source: Public Utilities Commission (PUC) requested a sole source waiver for additional Stak System and storage cabinets for its warehouse. Stanley Vidmar Storage Technologies is the manufacturer and distributor of the Stak System. Another storage system would compromise the safe operation of the current system and void the warranty.

No. 2 Sole Source: Mayor's Office on Disability requested a sole source waiver for Bay Area Communications Access (BACA) to provide American Sign Language (ASL) interpreter services. Registry of Interpreters for the Deaf (RID) and Deaf Counseling, Advocacy and Referral (DCARA) identifies BACA as the only provider of ASL interpreter services in San Francisco.

No. 3 Sole Source: Public Utilities Commission (PUC) Water Supply and Treatment Division (WSTD) requested a sole source waiver for Remote Sensing Specialists, Inc. (RSSI) to provide annual preventive maintenance and calibration on four Remote Automated Weather Stations (RAWS) and thirteen automated rain gauges located on San Francisco watershed lands over a three year period. RSSI is the only vendor, trained and certified by Vailsala/Handar (the manufacturer of the remote sensing equipment used by PUC) to install, calibrate and maintain Vaisala/Handar weather stations and equipment in this region.

No. 4 Sole Source: Department of Public Works (DPW) Bureau of Urban Forestry requested a sole source waiver for Friends of the Urban Forest to provide tree planting services for street trees in accordance with Article 16: Urban Forestry Ordinance of the San Francisco Public Works Code and the Departments Urban Forestry Program. The San Francisco County Transportation Authority has authorized funding specifically for Friends of the Urban Forest to provide tree planting services for FY 02-03.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

No. 5 Sole Source: Department of Public Works (DPW) in cooperation with a grant from the San Francisco Transportation Authority requested a sole source waiver for the Garden Project. The Garden Project employs former inmates of the Sheriff's Department to maintain young City trees. There is no other contractor that can provide the job training and cost effective services provided by the Garden Project.

No. 6 Sole Source: Department of Public Health requested a sole source waiver for Abbott Laboratories for nutritional products. The supplements manufactured by Abbott, physician prescribed and Abbott is the only source of distribution.

No. 7 Emergency: Public Utilities Commission (PUC) declared an emergency to perform repair work on the Southeast Water Pollution Control Plant (SEWPCP) effluent outfall. During an exterior inspection of an effluent outfall on 10/04/02, Pan-Marine Contractor's discovered that a steel manway cover plate had corroded through, allowing effluent a less restricted exit. Failure to declare an emergency would have caused non-compliance for SEWPCP and the City.

FIVE YEAR REPORT

ON

THE SAN FRANCISCO EQUAL BENEFITS ORDINANCE

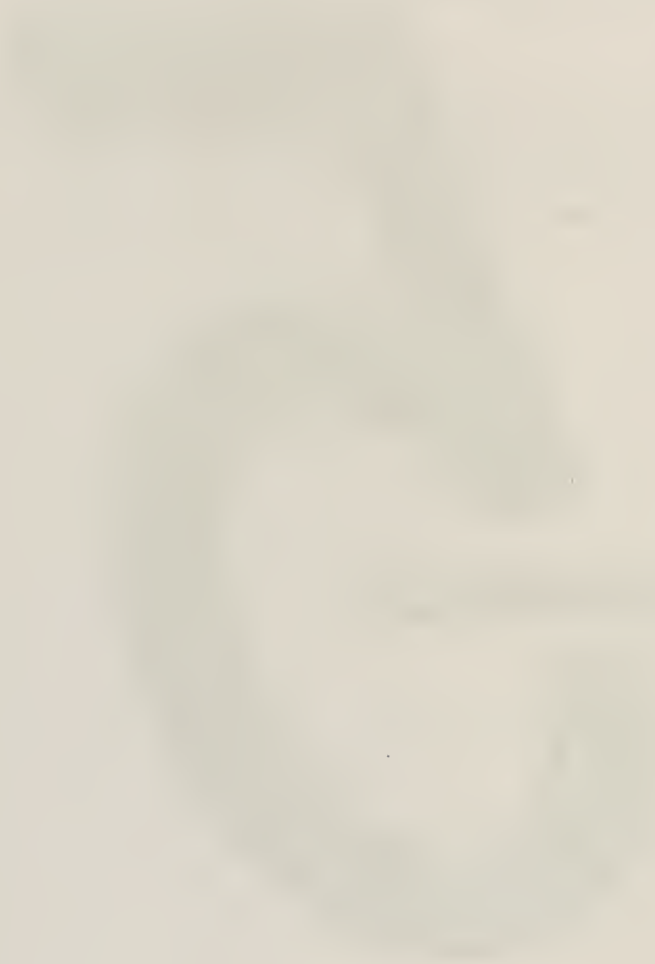
DOCUMENTS DEPT.

NOV 1 3 2002

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO HUMAN RIGHTS COMMISSION

November 14, 2002



Virginia M. Harmon

Director

Report prepared by:

Cynthia G. Goldstein, Senior Contract Compliance Officer

with assistance from
other members of the staff of

The Lesbian Gay Bisexual Transgender & HIV Division

Marcus Arana, Representative
Larry Brinkin, Senior Contract Compliance Officer
Kabir Hypolite, Contract Compliance Officer
Yong Lee, Contract Compliance Officer
Ellise Nicholson, Representative
Hadas Rivera-Weiss, Representative
David Treanor, Senior Management Assistant
Domenic Viterbo, Administrative Assistant
Tamra Winchester, Contract Compliance Officer

TABLE OF CONTENTS

I. Executive Summary 1

II. Compliance Update 2
- A. Employers Offering Domestic Partner Benefits 2
- B. Complying Companies 3
- C. Compliance By Type 3
- D. Company Size 4
- E. Employees Covered 5
- F. Companies Limiting Compliance 5
- G. Geography 6
- H. Waivers 7
- I. Insurance Industry 9

III. Legislative Update 10
- A. Contracting Legislation 10
- B. Domestic Partnership Registries 11
- C. California Domestic Partnership Legislation 11
- D. Domestic Partnership Rights in San Francisco 12

IV. Litigation Update 12
- A. Air Transport Association 12
- B. Religious-Based Lawsuits 13

V. Impact of Ordinance 13

Appendix A. Resource Materials

I. Executive Summary

On June 1, 1997, the City and County of San Francisco set in motion a revolution. With its longstanding history of anti-discrimination laws as a foundation,[1] San Francisco enacted the first law in the United States to address discrimination in employee benefits for employees with domestic partners. Referred to as the Equal Benefits Ordinance, the law requires San Francisco's City contractors to provide the same benefits to employees who have domestic partners[2] and employees who are married. This report looks at the first five years of implementation – studying the law's impact in San Francisco and across the country.

Despite the fact that the concept of offering domestic partner benefits to employees was already over a dozen years old at the time the Equal Benefits Ordinance was enacted, only 500 employers in the U.S. offered such benefits. Today, over 4,500 employers extend these benefits. The San Francisco Equal Benefits Ordinance has been credited with playing a major role in this explosion of domestic partner benefits[3] with over 75% of the companies offering domestic partner benefits doing so in compliance with the City's contracting requirements. During the first five years of implementation, the concept of employer-provided domestic partner benefits moved from the far fringes of the fringe-benefit landscape to become commonplace among employee benefits offerings.

The number of employees working for City contractors that have utilized medical benefits for their domestic partners has surpassed 50,000 and can be found in at least 39 states and 500 cities across the country. Even when, a year after the law went into effect, a court decision gave companies the option to limit where they extended nondiscriminatory benefits, just over one percent of the complying companies chose to do so.

By prompting a surge in the number of employers offering domestic partner benefits, the San Francisco Equal Benefits Ordinance played a key role in building a foundation for the dramatic expansion of California laws protecting the rights of domestic partners.

Geoff Kors, Executive Director
California Alliance for Pride and Equality

The legal landscape for domestic partners has changed significantly during the past five years. The number of governmental domestic partnership registries has nearly doubled since the Equal Benefits Ordinance was passed and the benefits associated with registration continue to expand.[4] While at first these registries represented a symbolic means for recognizing committed relationship, more and more registration now brings with it some of the rights associated with marriage. With the opportunity for domestic partners to identify themselves in the U.S. Census, growth in the

[1] In 1972, San Francisco became the first government in the United States to pass a law barring discrimination on the basis of sexual orientation. (S.F. Administrative Code Chapter 12B.)

[2] The term "domestic partner" is defined in the Ordinance as any person who has "a currently registered domestic partnership with a governmental body pursuant to state or local law authorizing such registration." (S.F. Admin. Code Chapter 12b.1(c).) This includes both same- and opposite-sex couples.

[3] "State of the Workplace" Human Rights Campaign 1999.

[4] See page 11 for a discussion of the recent enhancement of the rights of domestic partners in California.

number of domestic partnerships cannot be disputed. In fact, the 2000 Census noted the presence of same-sex domestic partnerships in all Congressional districts and in all but 22 counties in the entire United States.

Even as the U.S. economy has experienced a downturn, the number of City contractors extending domestic partner benefits continues to increase and the use of waivers to contract with non-compliant companies steadily decreases. Also impressive in this economic climate, is the continued growth in the number of other cities across the United States enacting Equal Benefits Ordinances in their jurisdictions.[5]

II. Compliance Update

This report examines the implementation effort of fiscal year 2001-2002 as well as the impact and performance of the Equal Benefits Ordinance since its enactment five years ago.

A. Employers Offering Domestic Partner Benefits

From the first offering of domestic partner benefits by the Village Voice Newspaper in 1982 until the introduction of the Equal Benefits Ordinance fifteen years later, only 500 companies extended domestic partner benefits to their employees. Five years later, that number has surged. As of June 30, 2002, the Human Rights Commission helped 3,500 City Contractors extend benefits to the domestic partners of their employees. Nationwide, over 4,500 employers have been documented as offering such benefits. (See Fig. 1.)

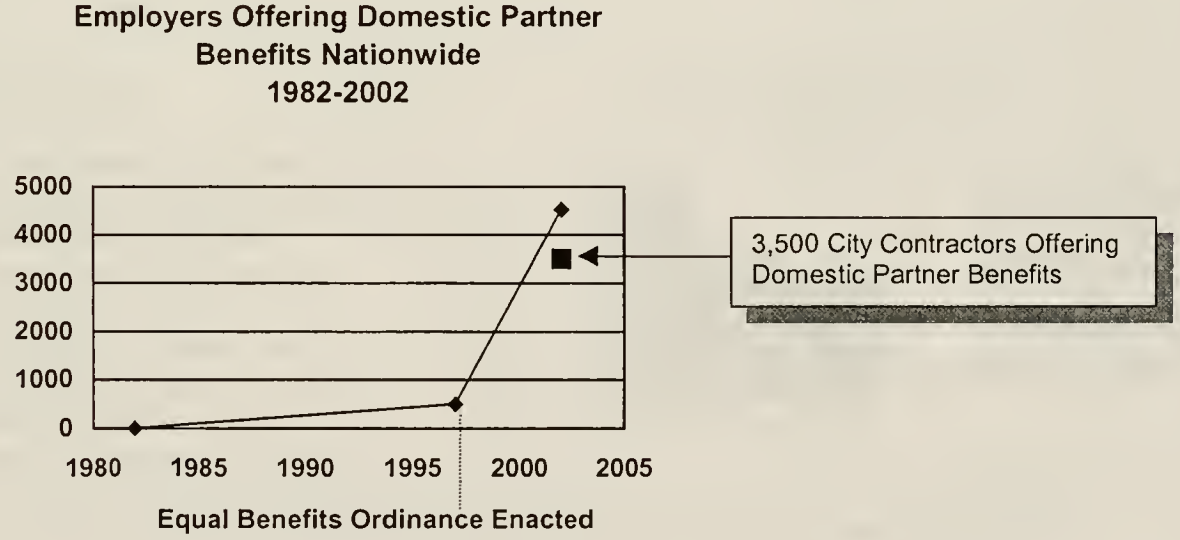


Fig. 1

[5] See page 10 for a list of jurisdictions with Equal Benefits Ordinances.

B. Complying Companies

As of June 30, 2002, 11,233 contractors submitted compliance paperwork to the Commission. Of those, the status of 8,163 has been finalized with 7,669 (94%) of them having been placed into compliance (having ended any existing discrimination in the provision of benefits) and only 494 (6%) determined to be non-compliant. (See Fig. 2.) This rate of compliance has slowly increased over the past five years. (See Fig. 3.) The remaining 3,070 are still pending. [6]

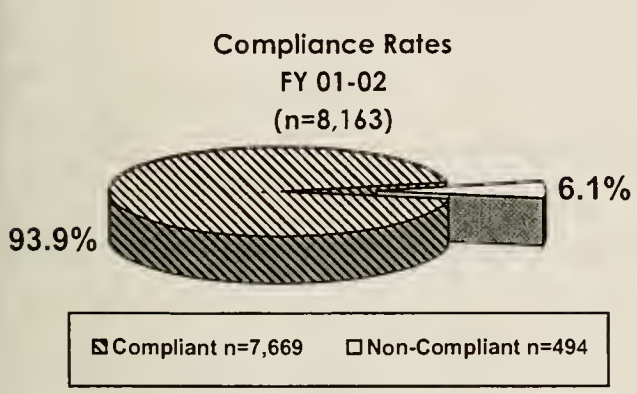


Fig. 2

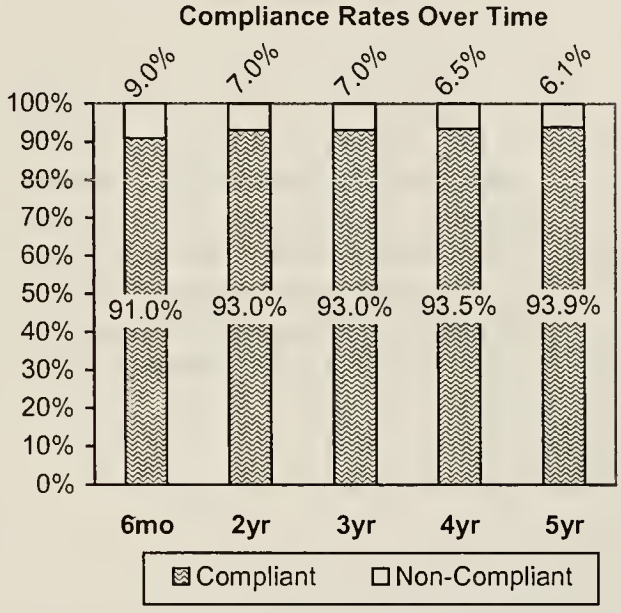


Fig. 3

C. Compliance By Type

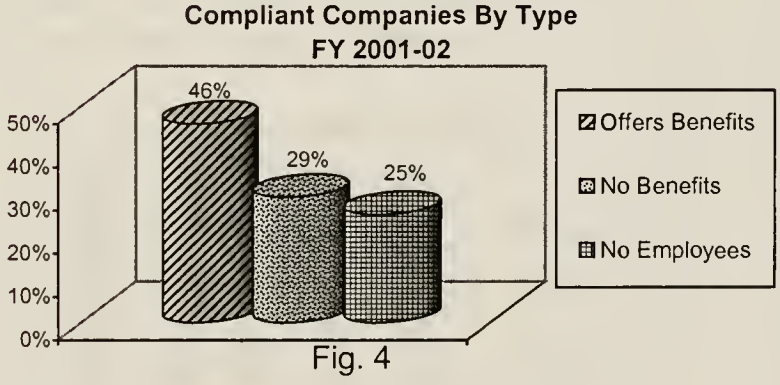


Fig. 4

The goal of the Equal Benefits Ordinance is to eliminate discrimination in the provision of employee benefits offered to married employees and employees with domestic partners. Contractors may avoid discriminating, and thereby comply with the Ordinance, in one of three ways. They may: (1) offer employee benefits that don't discriminate between spouses and domestic partners; (2) offer no employee benefits based on marriage or domestic partnership; or (3) have no employees. Of the 7,669 contractors complying by the end of fiscal year 2001-2002, forty-six percent (3,501) offer nondiscriminatory benefits to their employees, twenty-nine

[6] Of the pending contractors (which reflects 27% of the Declarations received to date), the vast majority (3,026) are pending *because the contractor has not yet responded to the Commission's request for more information.* The bulk of these contractors most likely are those that at one time sought to do business with the City but are no longer interested. (For instance, a company that bid on a contract but was not the successful bidder.)

percent (2,216) do not offer any benefits based on marriage or domestic partnership to their employees,[7] and twenty-five percent (1,952) do not have any employees (such as sole proprietors). (See Fig. 4.)

Over the past five years, the proportion of contractors complying with the Equal Benefits Ordinance in each of these three ways has remained fairly constant. There has been a slight increase in the percentage of companies offering nondiscriminatory benefits, mostly reflected within the first two years, and a rise in the percentage of contractors without employees. The most significant change has been a 6% decrease in the number of companies not offering benefits. This decline has continued over the five years of implementation and refutes the assertion that Equal Benefits legislation encourages employers to take away benefits they might otherwise offer. (See Fig. 5.)

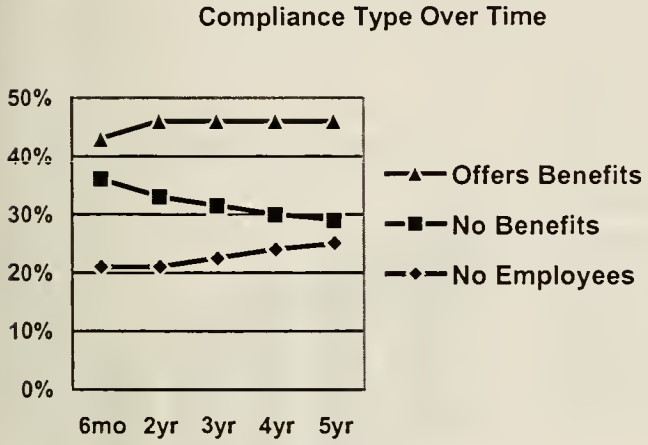


Fig. 5

D. Company Size

As of the 2001-2002 fiscal year, 52 large companies (5,000 or more employees), 173 medium sized companies (500 to 4,999 employees) and 3,219 small companies (under 500 employees) comply by offering nondiscriminatory benefits.[8] (See Fig. 6.) These proportions have remained fairly consistent during the life of the Ordinance (see Fig. 7) and because they are reflective of the U.S. business community in general,[9] they indicate that, regardless of company size, compliance with the Equal Benefits Ordinance is equally feasible.

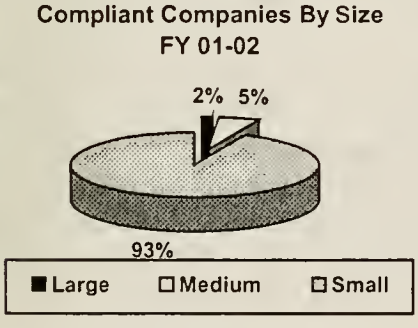


Fig. 6

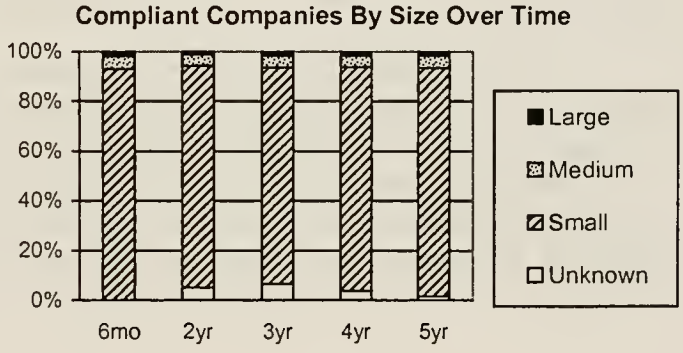


Fig. 7

[7] The majority of these contractors have fewer than twenty employees in their workforce and offer no employee benefits.
[8] An employee count currently is not available for 57 of the complying companies.
[9] Statistics of U.S. Businesses (SUSB), U.S. Census Bureau, 1999.

Shortly after my employer extended domestic partner benefits, my partner's father died. Without the Equal Benefits Ordinance, I wouldn't have had the opportunity to travel with my partner and support him and his family during a difficult time.

Crispin Hollings

E. Employees Covered

City contractors offering domestic partner benefits employ a nationwide pool of approximately 1,722,000 people, reflecting an increase of almost 246,000 people in fiscal year 2001-2002. With actuarial statistics indicating an enrollment rate in domestic partner medical benefits offered to both same and opposite sex couples averaging 3% in the private sector, this means there are approximately 51,660 people who have taken advantage of this benefit through the programs offered by City contractors. This is an increase of approximately 7,380 insured domestic partners in the past year alone and reflects a steady growth in the number of individuals assisted by the City's policy. (See Fig. 8.) Of course, these figures don't take into account the children of domestic partners who also become eligible for insurance coverage, nor are other types of benefits, such as bereavement leave or retirement benefits, reflected here.

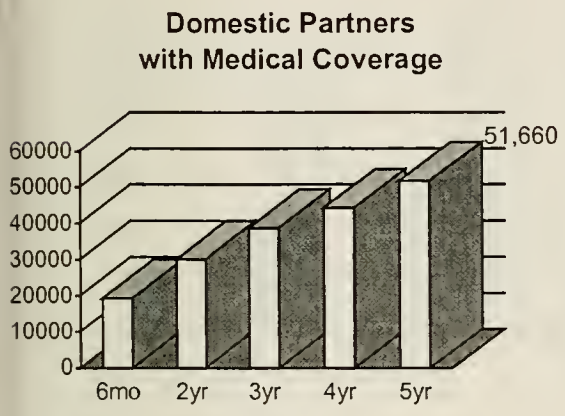


Fig. 8

F. Companies Limiting Compliance

In April 1998, a U.S. District Court ruling[10] changed the scope of the Ordinance by allowing companies to limit their compliance geographically and allowing some companies to limit which benefits they offer in a nondiscriminatory manner.[11] When a company elects to comply on this basis, their compliance effort must be reviewed each time a new contract is contemplated to ensure that the scope of compliance is appropriate to the anticipated scope of work. Hence, this form of compliance is considered to be on a "contract-by-contract" basis.

Since the 1998 ruling, only 95 companies have elected to comply on a limited basis by continuing to discriminate in certain locales or in how certain benefits are offered. This reflects an increase of only 18 companies in the past year. Companies complying on a limited basis comprise just slightly more than one percent of the total number of complying companies (which includes those offering nondiscriminatory benefits as well as those not offering benefits or having no employees), and only 2.7% of complying companies that offer benefits. Sixty-two of these companies have limited the geographic reach of their compliance; five have limited

[10] Air Transport Association, et.al., v. City and County of San Francisco, et.al., 992 F.Supp.1149 (N.D. Cal. 1998).

[11] See page 12 for a discussion of litigation challenges to the Equal Benefits Ordinance.

the benefits offered and twenty-eight have limited both.[12] Since 1998, the use of contract-by-contract compliance has not risen significantly. (See Fig. 9.) In the first year it was available, it represented slightly less than one percent of the total number of compliant companies (.9%). In the fifth year, it represents just slightly more than one percent (1.2%).

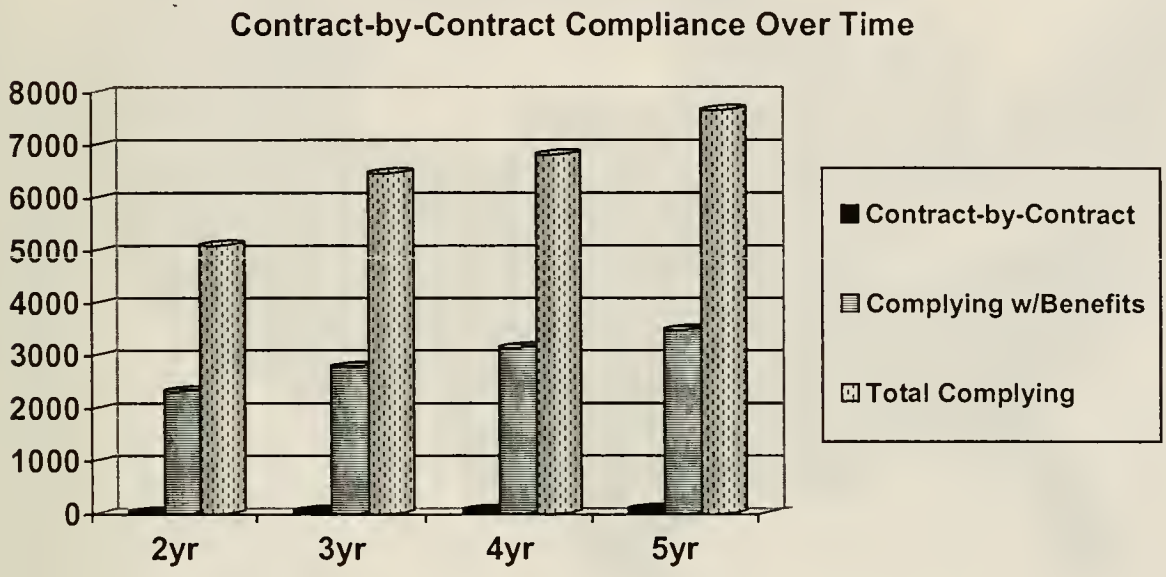


Fig. 9

G. Geography

The national impact of the Equal Benefits Ordinance is perhaps best seen when looking at where in the United States complying companies are located. Since the City and County of San Francisco conducts business in a broad range of industries (from operating a hospital, airport, power plant and train system to issuing bonds, running museums and feeding the bison residing in Golden Gate Park) it attracts contractors from every state in the nation.

After five years of Equal Benefits implementation, compliant contractors can be found in at least 44 states, plus the District of Columbia, and in over 900 cities across the country.[13] The majority, approximately 87%, are located in California, with 41.5% located in San Francisco. Companies that comply by offering benefits can be found in at least 39 states and the District of Columbia, and in almost 500 cities nationwide. (See Fig. 10.)

[12] The vast majority of companies limiting compliance in both location and type of benefits offered are tenants at San Francisco International Airport.

[13] Many compliant companies have multiple locations not reflected here. The numbers and locations reported reflect the mailing address information given by companies to the City and do not include branch offices where equal benefits also are provided.

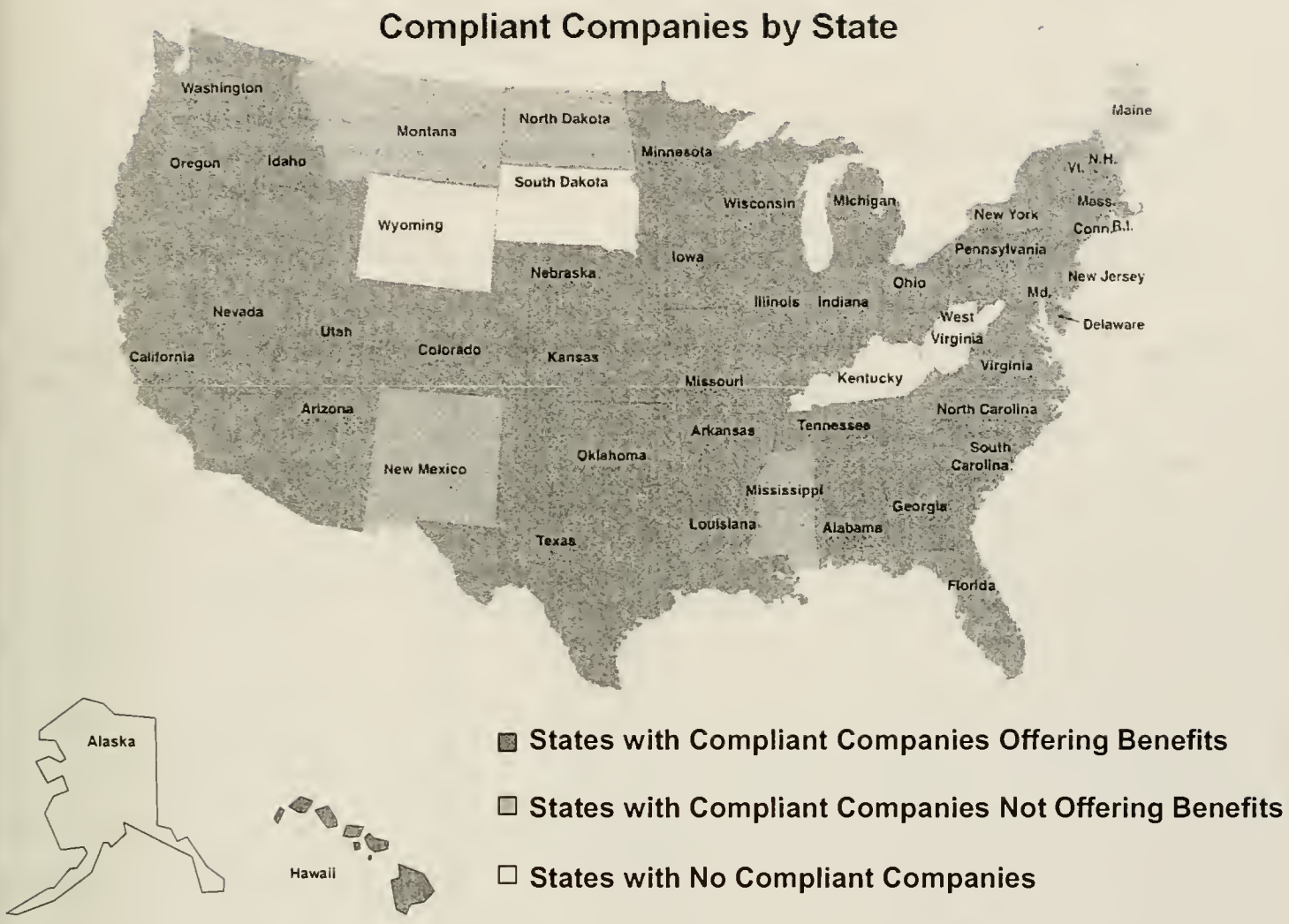


Fig. 10

H. Waivers

In limited circumstances, when the City has no choice but to contract with a company that refuses to end its discriminatory behavior, a waiver of the ordinance may be granted. Primarily, this occurs when the contractor is the sole source for needed services or goods. Occasionally, there will be more than one potential contractor and all will refuse to comply. When this circumstance occurs, competitive market forces are used to encourage at least one potential contractor to comply.

Other types of waivers permitted by the Ordinance include when:

- there is an emergency that threatens public health or safety;

- a public entity offers the City needed goods or services of a quality or accessibility that is unavailable from another source, or the proposed contract is necessary to serve a substantial public interest;

- a transaction entered into through a bulk purchasing arrangement established by a governmental or regional entity would actually reduce the City's purchasing costs and would be in the City's best interest;

- it is necessary to avoid conducting business with an entity that was set up or is being used for the purpose of evading the intent of the Ordinance.

This past year, City departments requested a total of 1,287 waivers, 1,263 of which were approved. Use of the different types of waivers over the past five years breaks down as follows:

	1 YR[14]			2 YR			3 YR			4 YR			5 YR		
	A	D	W	A	D	W	A	D	W	A	D	W	A	D	W
Sole Source	1301	56	15	1278	8	2	1238	14	2	1133	10	3	1154	13	6
Public Entity	42	-	-	33	-	-	40	-	-	26	1	-	31	-	-
Emergency	11	2	2	6	-	-	2	-	-	2	-	-	6	-	1
Bulk Purchasing[15]	1	-	-	-	-	-	1	-	-	1	-	-	-	-	-
No Co. Complies	43	-	-	66	-	-	90	-	2	54	2	-	72	3	1
Sham/Shell	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	1398	40	17	1383	8	2	1371	14	4	1216	13	3	1263	16	8

A = Approved, D = Denied, W = Withdrawn

Table 1

While waiver use in fiscal year 2001-2002 reflects a slight increase of 3.9% in waivers approved, there has been a much larger decrease of 10.7% since the Ordinance became effective. (See Table 1 and Fig. 11.)

It is important to note that some waivers are granted in situations where the contracting entity does in fact offer domestic partner benefits, but those benefits are offered on a basis that is more limited than what the Equal Benefits Ordinance requires. For instance, some companies

[14] The month of June 1997 has been incorporated into the first year of experience reflected on this table as well as in Fig. 11, below, to account for the fact that the Ordinance was enacted on June 1, 1997.

[15] The authority to review waivers where there are no compliant companies, where the contractor is a governmental bulk purchasing agency, or to avoid use of a sham/shell company, was granted to the Human Rights Commission on December 22, 1997.

extend domestic partner benefits only to same-sex domestic partners. Other companies may extend medical insurance benefits to domestic partners, but refuse to amend their leave policies or retirement plans so that employees with domestic partners are treated in the same manner as employees with spouses.

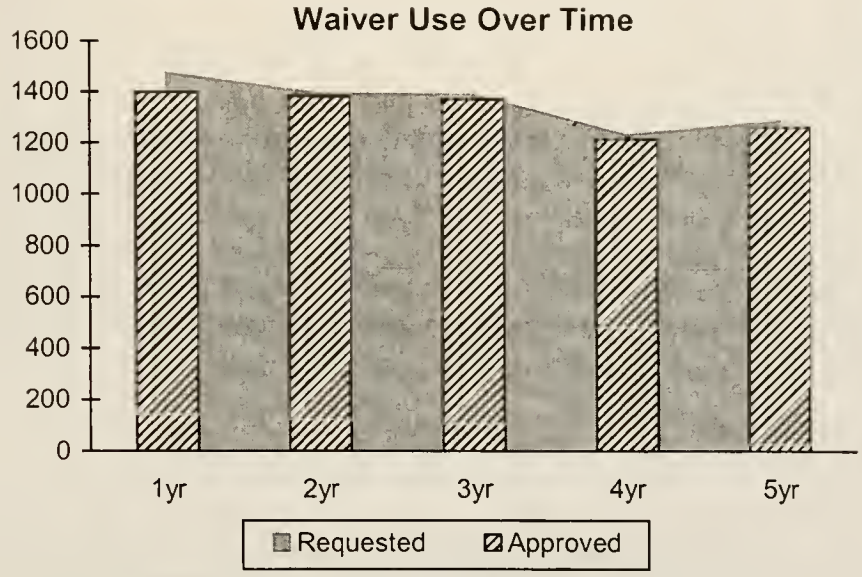


Fig. 11

The University of California (UC), which over the past five years has received the most City dollars as a result of waivers, is an example of this circumstance. UC offers medical insurance benefits to same-sex domestic partners and retirement benefits to all domestic partners. While their benefits scheme is not eligible for Equal Benefits compliance status (at a minimum because opposite-sex domestic partners are not fully included) their policies are more in line with the intent of the legislation than would be a company that offers no domestic partner benefits whatsoever.

Of the ten entities receiving the largest amount of City money as a result of waivers, one[16] has since become compliant with the requirements of the Ordinance, five[17] offer domestic partner benefits that are not fully compliant with the City's requirements, and the remaining four[18] offer no domestic partner benefits. Of these four, three are public entities. It is common for the City to contract with other public entities in order to satisfy a Federal or State mandate. For instance, all three public entities were contracted with to fund noise insulation projects that were mandated by the State of California in order for the City to be permitted to continue to operate its airport.

The Commission continues to work with departments and contractors to reduce the number of waivers granted each year. Even for contracts where a waiver might be appropriate, the Commission and contracting departments work together to convince companies to comply so that a waiver is unnecessary.

I. Insurance Industry

In addition to influencing the employee benefit policies of City contractors, the Equal Benefits Ordinance has had a noticeable impact on the insurance industry. When the Ordinance was first enacted, only a handful of insurance companies were willing to write policies that covered domestic partners. Even fewer were willing to do so for employers with a small number of employees and many insurers charged an additional fee when domestic partners were included.

[16] McKesson HBOC, Inc.
[17] University of California, Raytheon Company, Electronic Data Systems, Avaya, Inc., and IBM.
[18] Allegiance/Cardinal Healthcare, City of Daly City, South San Francisco Unified School District, City of San Bruno.

As more and more companies from across the country approach insurers requesting domestic partner coverage, the insurance industry has responded. Today, it is much easier for employers to find insurance plans inclusive of domestic partners. With market competition at play, and clear actuarial statistics indicating that claims for domestic partners are no more expensive than those of spouses, the practice of levying surcharges has virtually been eliminated. In California and Maine, laws are in effect requiring insurance companies that provide spousal coverage to provide the same coverage to domestic partners. [19]

III. Legislative Update

The legislative landscape concerning domestic partners has expanded dramatically over the past five years with an increase in the number of domestic partnership registries and equal benefits laws, and the creation of new rights for domestic partners.

A. Contracting Legislation

Since San Francisco enacted the Equal Benefits Ordinance in 1997, the law has been replicated in six other jurisdictions up and down the Western seaboard.[20] Most recently, Oakland, California passed an Equal Benefits law that took effect on July 1, 2002. Broward County Florida enacted a provision in 1999 giving an advantage in bidding to businesses offering domestic partner benefits.[21] In 2001, Portland, Maine passed a law requiring organizations accepting City funds for certain housing and neighborhood services programs to offer domestic partner benefits to their employees.[22]

> *Several contractors have stated to us that the addition of cities like Seattle to the growing list of governmental jurisdictions that require these benefits created a "tipping point," which motivated them to changing their policies and practices.*
>
> Brenda Bauer, Director of Contracting Services, City of Seattle

Other cities continue to contact the Commission for information as they consider enacting Equal Benefits Ordinances. These include the cities of Atlanta, Georgia[23] as well as New York City, where an Equal Benefits Ordinance was introduced for consideration by the City Council in September 2002. As more and more cities enact such measures, not only will more city contractors offer domestic partner coverage to their employees, the availability of domestic partner insurance products will increase as well.

---

[19] California Government Code Section 31780.2; City of Portland Code of Ordinances Chapter 13.6-34.

[20] Equal Benefits Ordinances are in force in Berkeley, City of Los Angeles, Oakland and San Mateo County California, Seattle and Tumwater Washington. In addition, on July 1, 1998, the San Francisco Redevelopment Agency implemented contracting rules almost identical to those contained in the Ordinance, and the San Francisco County Transportation Authority adopted a similar policy, which went into effect on July 1, 1999. Both of these bodies are quasi-state entities with commissioners or committee members appointed by the San Francisco Mayor or Board of Supervisors.

[21] Broward County Code Article VI, Chapter 16½-157 (1999).

[22] Chapter 347, H.P. 1256, L.D. 1703, Sec. 1.24 MRSA Section 2319-A, et. seq. (2001).

[23] Atlanta's City Council passed a one-paragraph version of an Equal Benefits Ordinance on the last day of its 2001 session, which subsequently was vetoed by the Mayor.

B. Domestic Partnership Registries

When the ordinance was first enacted, there were only 33 jurisdictions where domestic partners could register their relationships. Now, there are at least 63 such registries, 58 local government registries (in 21 different states), and five states registries.[24] Some of these registries allow partnerships to be formed even when neither partner lives or works in the jurisdiction (which is similar to most marriage laws). This makes it possible for couples to register even when there is no registry in their city or state.[25]

In addition to giving domestic partners a place where their relationships may be formalized, government-sponsored registries act as an important stepping stone in the path to creating legal rights for domestic partners. Having a mechanism by which partnerships may be counted helps elected officials demonstrate the existence of a constituency in need of such legal protections. In forty-one of the jurisdictions with registries, some legal right or protection is extended along with registration. These rights are diverse and include hospital and jail visitation, the power to make medical decisions for an incapacitated partner, rent control and eviction protections, access to children in school, tax exemptions and more.

C. California Domestic Partnership Legislation

The California legislature continues to aggressively pursue expanding the rights of domestic partners under State law. Each session, several bills are introduced that, if passed, would significantly enhance the rights of domestic partners within the State. On January 1, 2002, the legal protections contained in one such measure, Assembly Bill 25 (Migden), went into effect. This law offers a variety of new legal protections and benefits for domestic partners in California. Three of the new law's provisions are particularly significant to the Equal Benefits Ordinance. The first exempts domestic partner health insurance benefits from state income taxation. The second allows use of employer-sponsored sick leave to care for an ill domestic partner or child of a domestic partner. The third, mentioned above, requires that health insurers doing business in California offer domestic partner coverage whenever spousal coverage is offered.

In the most recent legislative session four domestic partner-related bills were successfully passed by both houses of the Legislature and signed into law by Governor Davis. Among them is Assembly Bill 2216 (Keeley), which gives registered domestic partners the right to inherit a specified share of a partner's property if the partner dies without a will. Also included is Senate Bill 1661 (Kuehl), that establishes an insurance program to provide up to 6 weeks of partially paid leave for people to take time off work to care for a seriously ill domestic partner, spouse, child, or parent, or to bond with a newborn or newly adopted child.

Other domestic partner bills did not fare as well. Assembly Bill 1080 (Kehoe), which would have created a State version of an Equal Benefits law, successfully passed out of the Senate but reached the Assembly just three days before the end of the legislative session, which

[24] Two of the state registries (Massachusetts and New York) are for state employees only. The other three are California, Hawaii and Vermont.

[25] The West Hollywood, California registry, for example, allows registration by mail.

proved too late for consideration. Governor Davis vetoed Assembly Bill 2862 (Migden), which would have made changes to existing domestic partner laws affecting the health care and retirement benefits of state employees. Finally, Senate Constitutional Amendment 9 (Speier) would have, under certain circumstances, exempted co-owners of a primary residence from property tax reassessment if a transfer occurs due to the death of one of the co-owners. This would have eased a tax burden on surviving domestic partners that is not faced by surviving spouses. This measure was passed by the Senate but got held up in the Assembly Appropriations Committee.

D. Domestic Partnership Rights in San Francisco

San Francisco continues to be in the forefront of expanding the rights of domestic partners. In October 2002, San Francisco became the first county in California to end the practice of reassessing domestic partners' shared property after one partner dies. Previously, the reassessment of property occurred when the deceased partner's interest in the property was transferred to the surviving partner. Married couples are exempt from this reassessment.

Under the prior system, the surviving domestic partner could face financially burdensome tax bills, especially older individuals who may have owned a home for many years and find that it is assessed at a much higher value. For some, it has meant selling their homes because the increased taxes were too onerous. As mentioned above, legislation that would make this change on a statewide basis was unsuccessful but its proponents have expressed their intent to raise it again during the next legislative session.

IV. Litigation Update

This past year brought successful closure to the litigation challenges facing the Equal Benefits Ordinance since its enactment. All three of the lawsuits filed against the City challenging the legality of the Ordinance have concluded with the majority of the law intact.

A. Air Transport Association

The first challenge was filed by the Air Transport Association (ATA), representing a collection of the nation's largest airlines. They alleged that the Ordinance violated preemption language found in the Employee Retirement Income Security Act (ERISA), the Airline Deregulation Act and the Railway Labor Act, as well as that the Ordinance violated the Due Process and Commerce Clauses of the U.S. Constitution and sections of the California Constitution and San Francisco City Charter. A partial decision was issued on April 10, 1998[26] upholding the ordinance in large part, and creating two areas of limited application with respect to particular types of City contractors.

One area of limitation created by the 1998 Court decision affects the City's ability to enforce the Ordinance with respect to a contractor's operations throughout the United States. While it is still City policy to encourage contractors to comply throughout the U.S., the City may only

[26] 992 F. Supp. 1149 (N.D. Cal 1998).

require compliance in a contractor's operations located (a) in San Francisco; (b) on real property outside of San Francisco owned by the City or which the City has a right to occupy; and (c) elsewhere in the United States where work relating to a City contract is being performed. As described on page 5, very few complying contractors have chosen to comply on this limited basis.

For an even smaller group of City contractors, the 1998 decision created changes to the scope of benefits covered by the Equal Benefits Ordinance. Most often, when the City goes into the marketplace for goods, services or an interest in real property, it is acting in the role of an ordinary consumer because it wields no more power in the marketplace than other contracting entities. As such, it can require that contractors provide all benefits, including health and pension benefits, in a nondiscriminatory way.

However, in certain situations the Court felt that the City wields more power than an ordinary consumer and instead acts as a regulator. In those rare instances, the City cannot require that its contractors provide nondiscriminatory health and pension benefits; the City is preempted from doing so by a federal law regulating employer-provided health and pension plans (ERISA).[27] The primary effect of this ruling has been on the airlines leasing space at the City's airport. Despite the limited impact of the law on them, the airline plaintiffs pursued an appeal of the Court decision to the extent the City was allowed to require that the airlines offer o*ther* benefits in a nondiscriminatory manner. This includes bereavement leave, family medical leave, and company discounts such as the flight benefits offered by the airlines. Their appeal was unsuccessful. In the interim, many of the nation's largest airlines, including American, Delta, United and others, extended some domestic partner benefits to their employees, including the much fought-over health insurance benefits.

B. Religious-Based Lawsuits

The second and third lawsuits were filed in the names of businesses expressing religious objections to the Ordinance. Attorneys in both cases were affiliated with the American Center for Law and Justice, a non-profit legal organization associated with televangelist Pat Robertson, and both filed causes of action similar to those filed by the airlines. The first suit was filed by an electrical contracting company alleging it would be denied City contracts because of its refusal to comply with the Ordinance. Their case was voluntarily dismissed because of a lack of standing; the company had never sought a City contract. The third lawsuit, filed by S.D. Myers, Inc. an Ohio-based company, suffered defeat at both the trial court level and on appeal to the U.S. Court of Appeals for the Ninth Circuit.

V. Impact of the Ordinance

Over the past five years, the country has witnessed a dramatic shift in the treatment of domestic partners, both in the workplace and elsewhere. There has been nearly a ten-fold increase in the number of employers offering domestic partner benefits. Currently, thirty-six percent of the Fortune 500 companies offer domestic partner benefits with that number increasing the closer

[27] Only 33 companies comply on this basis.

the company is to the top of the Fortune list; fifty-eight percent of the Fortune 50 companies offer domestic partner benefits.

There has been a forty percent increase in the number of domestic partnership registries, and a significant expansion of the rights that come with registration. In Vermont, same-sex couples may form Civil Unions giving them all the rights conferred by the State on married couples (although no federal marriage rights are conferred). Domestic partners may now announce their relationships right alongside marriage announcements in over 144 newspapers including the *New York Times*, *Boston Globe*, *Los Angeles Times* and *Washington Post.*

In addition to San Francisco, eight other government bodies have enacted Equal Benefits Ordinances. Many more, including the key East Coast cities of New York and Atlanta, are considering such legislation, all using San Francisco's law as a model. As the number of Equal Benefits Ordinances continues to grow, more employers in a broader range of industries will find that offering domestic partner benefits makes sense. In addition, the ripple effects felt in the insurance industry and among unions will continue to spread, causing more insurers to offer domestic partner insurance products and more unions to bring domestic partner benefits to the bargaining table.

> *Our union has always been supportive of securing employee benefits for its members but our Trust Fund wouldn't consider extending coverage to domestic partners until the San Francisco Equal Benefits Ordinance was passed. Now, domestic partner coverage is available to over 20,000 carpenters throughout Northern California.*
>
> Donna Levitt, Former Senior Field Representative, Carpenter's Local 22

In articulating the impact of the Equal Benefits Ordinance, perhaps the most significant fact to consider – but the hardest to quantify – is what it means to individual employees and their domestic partners to receive benefits equivalent to those given to married employees and their spouses. While it is easy to approximate the number of people employed by City contractors who are benefiting from domestic partner medical insurance (51,660), placing a value on this insurance coverage or any of the other benefits offered is much harder. The dollar amount paid for medical claims doesn't reflect the peace of mind gained by knowing that your partner will receive medical care when needed. The cost of a few days of paid bereavement leave doesn't include the value of the support provided to a domestic partner who is dealing with a death in their family. The dollar amount of retirement distributions doesn't reflect the comfort felt when structuring your retirement income to provide for the financial needs of your partner if you die first. Perhaps most importantly, any financial analysis of the impact of the Equal Benefits Ordinance can't include the added dignity felt when discriminatory treatment ends and you begin to receive equal pay for equal work.

APPENDIX A

Resource Materials

Resource materials available from the Human Rights Commission include:

Domestic Partner Registry Chart – provides an overview of domestic partnership registries across the United States; lists how to register, and the rights and responsibilities involved.

Corporate Mentors Program –a pool of corporate directors and human resources personnel who have completed the Equal Benefits compliance process and are willing to speak with representatives from other companies where domestic partner benefits and Equal Benefits compliance are being considered.

Equal Benefits Brochure – answers frequently asked questions and provides a list of resource materials and website address.

Insurance List – a reference guide to insurance companies from across the United States that are willing to write insurance policies inclusive of domestic partner coverage. The list currently includes companies in all fifty states and the District of Columbia.

Overview – a four page overview of the Equal Benefits Ordinance, compliance requirements, litigation challenges and available resources.

Quick Reference Guide to Equal Benefits Compliance – answers frequently asked questions and assists reader with completing basic forms and identifying documents required for compliance.

Resource Materials Booklet

• Fact Sheets – provides in-depth information on providing nondiscriminatory health insurance and pension plans to employees with spouses and employees with domestic partners, and the tax implications of doing so.

•Sample Policies – provides model language for employers looking to:

- Create or modify leave and nondiscrimination policies
- Establish an affidavit of domestic partnership
- Explain the tax consequences of some domestic partners benefits

Rules of Procedure – implementation guidelines adopted by the Human Rights Commission that establish compliance criteria and provide useful information on a wide variety of compliance-related topics.

Compliance Reports –gives detailed summaries of the Commission's implementation efforts and compliance experience.

Website – found at *www.sfgov.org /sfhumanrights,* this site offers access to compliance forms, resource materials and the text of San Francisco Administrative Code Chapters 12B and 12C.

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Virginia Harmon
Executive Director

DOCUMENTS DEPT.

NOV 13 2002

SAN FRANCISCO
PUBLIC LIBRARY

MEMORANDUM

Date: November 7th, 2002

To: Members of the Human Right Commission

From: James Fields, Veronica Ng and Diana Rathbone,

Subject: Plan for Evaluation of Reauthorization of Chapter 12D.A of the Administrative Code – MBE/WBE/LBE Ordinance

---

Chapter 12D.A of the Administrative Code will sunset on June 30th, 2003. The HRC staff is currently implementing a plan to evaluate whether or not the HRC should recommend that the Board of Supervisors reauthorize the ordinance for another three years.

The recommendation will depend in part on a statistical analysis of the data in the Diversity Tracking System to determine whether MBEs and WBEs are being utilized at the level one would expect absence the presence of discrimination. It will also take into account anecdotal information collected at a series of public hearings from business owners, trade associations and other interested individuals.

If HRC recommends reauthorization, suggestions for specific amendments to the current Ordinance will also be forwarded to the Board of Supervisors. Some of these will come as a result of the testimony at the hearings. The rest, which are expected to be relatively minor, will be an effort to clarify various sections that have proved problematic in interpretation and/or implementation and to clean up minor anomalies overlooked at the time of its last adoption.

Attached is a tentative time schedule for final adoption of a new Ordinance, should the HRC and the Board of Supervisors recommend its renewal.

Public Utilities Commission/HRC Office
1155 Market Street, San Francisco
CA 94103
Website:
http://www.ci.sf.ca.us/sfhumanrights

TEL (415) 554-3100
FAX (415) 554-3107
TDD (415) 252-2550
E-mail: sfhumanrightscom@ci.sf.ca.us

TIME SCHEDULE FOR EVALUATION OF REAUTHORIZATION OF MBE/WBE/LBE ORDINANCE

Summer 2002	Best practices study and presentations to the MBE/WBE Advisory Committee.
October 1st – November 20th, 2002.	Hearings before the MBE/WBE Advisory Committee. **Note:** No written summary of the hearings will be prepared. Instead, transcripts of the proceedings will be made available upon request. 1. Information Technology & Telecommunications/Computer Services Tuesday, October 1, 4:00 p.m. to 7:00 p.m. 2. Construction Tuesday, October 29, 4:00 p.m. to 9:00 p.m. 3. Architecture & Engineering and Professional Services Thursday, November 7, 4:00 p.m. to 7:00 p.m. 4. Purchasing and General Services Tuesday, November 12, 5:00 p.m. to 8:00 p.m. 5. Trucking Wednesday, November, 20, 5:30 to 9:00 p.m.
November 22nd, 2002	Meeting with the Coalition on Economic Equity (HRC Director & EO Unit Managers).
January 9th, 2002.	Final Hearing before the Human Rights Commission
January 10th, 2002	Preparation of initial statistical report based on data in the Diversity Tracking System as of that date.
January 10thh – January 15th, 2003	Preparation of Written Recommendations. The recommendations will be prepared by managers of the EO Unit in conjunction with the HRC Director and the City Attorney's Office.

They will be based on both the initial statistical report and the testimony received at the hearings. Additional minor recommendations will clarify various sections that have proved problematic in interpretation and/or implementation and clean up minor anomalies overlooked at the time of its last adoption.

January 15th – January 23rd, 2003. Adoption of Recommendations by the HRC:

1. Adoption of staff recommendations by the MBE/WBE/LBE Advisory Committee. January 15th.
2. Adoption of MBE/WBE/LBE Advisory Committee's recommendations by the Human Rights Commission. February 6th

February 6th, 2003 Preparation of final statistical report based on data in the Diversity Tracking System as of that date.

February 7th – April 30th 2003. Adoption of Recommendations by the Board of Supervisors

1. Forward Recommendations to the Board of Supervisors. February 7th, 2003
2. Report referred to Committee. February 15th, 2003
3. 30 day waiting period. February 15th – March 15th, 2003
4. First Committee Hearing
5. Second Committee Hearing
6. Report forwarded to the full Board of Supervisors. April 15th, 2003
7. First Board of Supervisors Hearing
8. Second Board of Supervisors Hearing.
9. Report Forwarded the Mayor for signature. May 15th, 2003

May 31st – June 30th, 2003. Action by the Mayor

1. Mayor's signature. May 31st, 2003
2. Thirty day waiting period. June 1st – June 30th, 2003

July 1st, 2003. New Ordinance takes effect

SF
180
1
1/28/02
Canceled

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

CANCELED

Regular Meeting

Thursday, November 28, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!
The regular meeting of the Human Rights Commission has been canceled in observance of Thanksgiving.

The next regular meeting will be:

December 12, 2002
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
NOV 13 2002
SAN FRANCISCO
PUBLIC LIBRARY

Toni A. Delgado
Commission Secretary

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

Regular Meeting Agenda

Thursday, December 12, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Ghada Saliba-Malouf, *Chair*
Larry Lee, *Vice Chair*
Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred W. Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

DOCUMENTS DEPT.
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

DISABILITY ACCESS

The City Hall Conference Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station and the closest Muni Metro station is the Van Ness Station. Accessible MUNI lines serving this location are 9, 47, 71 and F. There is accessible parking in the vicinity of City Hall, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY ON CELL PHONE, PAGERS, AND ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Donna Hall at the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683; Office 415-554-7724; Fax 415-554-5163; E-mail: Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request one from Ms. Hall, or by printing Chapter 67 of the San Francisco Administrative Code on the internet at http://www.ci.sf.ca.us/sunshine.htm.

ATTENTION: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Administrative Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, telephone (415)554-9510 fax (415)703-0121 and web site http://www.ci.sf.ca.us/ethics.

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CIRCULATE GENERAL COMMUNICATION FILE**

4. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

5. **REPORT OF THE CHAIR**
   a. Individual Commissioner Reports on Community Activities
      [◎Discussion Item]

6. **REPORT OF THE DIRECTOR**
   a. Chapter 12.D.A. Waiver Report for November (Fields)
      [◎Discussion Item *Attachment to be provided at meeting*]
   b. Presentation of Chapter 12.D.A. December 2002 Quarterly Report (Tom)
      [◎Discussion Item *Attachment provided*]

7. **PRESENTATION AND UPDATE OF JANUARY 10, 2002 BACKLASH, VIOLENCE, HUMAN RIGHTS VIOLATIONS & DISCRIMINATION IN THE WAKE OF SEPTEMBER 11, 2001 (TRUAX)**
   a. Possible approval of letter to San Francisco Board of Supervisors regarding culturally appropriate hotlines and services for target communities
      [◎Discussion Item ➲Action Item *Attachment provided*]
   b. Possible approval of letter to the Director of the Department of Public Health regarding culturally appropriate counseling services for hate crime victims and their families
      [◎Discussion Item ➲Action Item *Attachment provided*]
   c. Possible approval of letter to Chief of Police regarding policy on racial profiling
      [◎Discussion Item ➲Action Item *Attachment provided*]
   d. Possible approval of letter encouraging Office of Citizen Complaints (OCC) Director to track discrimination complaints for targeted groups
      [◎Discussion Item ➲Action Item *Attachment provided*]

8. **RESPONSE TO COMMUNITY CONCERNS OF JUNE 13, 2002 PUBLIC HEARING ADDRESSING CONCERNS IN THE AFRICAN-AMERICAN COMMUNITY**
   a. Discussion regarding proposed public hearing on environmental racism (Rathbone)
      [◎Discussion Item *Attachment provided*]

9. **POSSIBLE APPROVAL OF LETTER TO THE SAN FRANCISCO 49ERS EXPRESSING CONCERN ABOUT RECENT HOMOPHOBIC REMARKS AND OFFERING SENSITIVITY TRAINING (BRINKIN)**
   [◎Discussion Item ➲Action Item *Attachment provided*]

10. **HRC DIVISION REPORT**
    Equal Opportunity Division:
    a. MBE/WBE/LBE Outreach and Diversity in Employment and Local Hiring Program at the San Francisco Public Utilities Commission (PUC) (Rathbone)
       [◎Discussion Item *Attachment provided*]

11. **PRESENTATION AND POSSIBLE APPROVAL OF HRC COMMITTEE BY-LAWS (COMMISSIONERS SPARKS, KNUTZEN, LEE, SALAZAR-HOBSON)**
    [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

12. **DISCUSSION AND POSSIBLE APPROVAL OF COMMENDATION LETTER FOR KRISTEN HOADLEY (JONES)**
    [◎Discussion Item ➲Action Item *Attachment to be provided at meeting*]

13. **COMMITTEE REPORTS**

    a. ***Employment Committee***
       Commissioner Larry Lee, Co-Chair
       Commissioner Malcolm Heinicke, Co-Chair
       Commissioner Wilfred Hsu, Co-Chair
       Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

       i. Report of November 7, 2002 Committee Meeting
          [◎Discussion Item *No Attachment*]
       ii. Possible approval of letter to Chief of Division of Apprenticeship standards and Business Manager of International Union of Elevator Contructors, Local #8 request for information regarding the Joint Apprenticeship Training Committee for the Elevator Industry (JATC)
          [◎Discussion Item ➲Action Item *Attachment provided*]
       iii. Possible approval of letter to the Secretary of the U.S Department of Transportation expressing concern regarding the discriminatory effect of section 111 of the Aviation and Transportation Security Act, ("ATSA"), Public Law No. 107-71
          [◎Discussion Item ➲Action Item *Attachment provided*]

iv. Possible Approval of commendation letter to Visitacion Valley Jobs Education and Training (VVJET) Director regarding the role played in the successful demolition and rebuilding of condemned housing projects in Visitacion Valley
[◎Discussion Item ➲Action Item *Attachment provided*]

b. Issues Committee
Commissioner Haig Baghdassarian, Co-Chair
Commissioner Johnnie Rollins, Co-Chair
Committee Staff: Lome Aseron, Carmen Herrera, Nichole Truax

i. No Report

c. Lesbian Gay Bisexual Transgender Advisory Committee
Commissioner Martha Knutzen, Chair
Commissioner Theresa Sparks, Vice-Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

i. Report of November 19, 2002 Committee Meeting
[◎Discussion Item *No Attachment*]

d. MBW/WBE/LBE Advisory Committee
Commissioner Shirley Dimapilis, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Charles Ward, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

i. Report of November 20, 2002 Committee Meeting
[◎Discussion Item *No Attachment*]

e. Youth & Education Committee
Commissioner Larry Lee, Co-Chair
Commissioner Malcolm Heinicke, Co-Chair
Commissioner Wilfred Hsu, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

i. Report of November 21, 2002 Committee Meeting
[◎Discussion Item *No Attachment*]

CLOSED SESSION

14. EXECUTIVE SESSION

a. Closed Session to evaluate a City employee pursuant to subdivision (a) of California Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b):

IN RE: Annual Evaluation of Director Virginia Harmon for Pay-For-Performance Program

15. RECONVENE IN OPEN SESSION

a. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.12.
[➲Action Item]

RETURN TO REGULAR BUSINESS

16. COMMISSIONER DISCUSSION OF MATTERS OF INTEREST FOR POSSIBLE INCLUSION OF FUTURE AGENDA ITEMS

17. ADJOURNMENT

HRC CALENDAR: December 2002

3	LGBT Advisory Committee's Senior Issues Public Hearing Task Force	5:30 p.m.-7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
5	- ***CANCELED*** - Employment Committee Meeting		*Next meeting 02-06-03*
7	Pearl Harbor Remembrance Day		
11	Issues Committee Meeting	5:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
12	Regular Commission Meeting	4:30 p.m.	City Hall-Room 416
17	LGBT Advisory Committee's Gender Identity Guidelines Task Force	5:30 p.m.-7:30 p.m.	25 Van Ness Ave. #800 Main Conference Room
17	- ***CANCELED*** - LGBT Advisory Committee's Meeting		*Next meeting 01-21-03*
18	- ***CANCELED*** - M/W/LBE Advisory Committee Meeting		*Next meeting 01-15-03*
19	Youth and Education Advisory Committee	5:00 p.m.	25 Van Ness Ave. #800 Main Conference Room
25	Christmas		
26	- ***CANCELED*** - Regular Commission Meeting -Kwanzaa begins		*Next meeting 01-09-03*

To find out more about any meeting on this calendar, please contact our office at 415-252-2500 or visit our website at www.sfhrc.org

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

December 12, 2002

DRAFT

DOCUMENTS DEPT.
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

President, Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Dear Supervisor Ammiano:

Last month the Human Rights Commission (HRC) mailed to each of you a copy of the report Backlash, Violence, Human Rights Violations and Discrimination in San Francisco in the wake of September 11, 2001. As you know, this report is based on the joint hearing held on January 10, 2002, by the San Francisco Human Rights Commission and the Board of Supervisors' Economic Vitality, Small Business and Social Policy Committee.

At this time, we are engaged in facilitating the implementation of the report's recommendations. We are writing to call your particular attention to Recommendation # 13 which suggests:

That the City fund and support community based services and programs that are providing culturally appropriate hotlines and services for the targeted communities.

Unfortunately, the HRC continues to receive complaints of discrimination against Arabs, Hindus, Muslims, Sikhs, South Asians, West Asians and those so perceived. We are also informed that many victims are reluctant to report discrimination and harassment to us or to law enforcement because they fear retaliation. There is therefore a great ongoing need for community based services.

We are acutely aware of the serious budget constraints in all City departments. It is ironic that events of September 11, 2001played a huge part in causing both the current financial crisis and a grave need for services. The Commission urges you to think creatively to find a way to implement the important recommendation calling for City funding and support of community based hotlines and services.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

If there is any way we can help or if you have any questions or ideas, please do not hesitate to contact HRC Staff members Hadas Rivera-Weiss at 252-2528 or Nichole Truax at 252-2517.

Sincerely,

DRAFT

Ghada Saliba-Malouf
Chair, Human Rights Commission

cc: Members of the Board of Supervisors
Ms. Gloria L. Young, Clerk of the Board

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

December 12, 2002

DRAFT
DOCUMENTS DEPT.
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

Mitchell H. Katz, MD
Director of Health
San Francisco Department of Public Health
101 Grove Street
San Francisco, CA 94102

Dear Dr. Katz:

Enclosed is a copy of the report Backlash, Violence, Human Rights Violations and Discrimination in San Francisco in the wake of September 11, 2001. This report is based on the joint hearing held on January 10, 2002, by the San Francisco Human Rights Commission (HRC) and the Board of Supervisors' Economic Vitality, Small Business and Social Policy Committee.

At this time, the HRC is engaged in facilitating the implementation of the report's recommendations. In particular, we would like to call your attention to Recommendation # 14 which suggests:

That the City work with the targeted communities to make culturally appropriate counseling services available for hate crime victims and their families.

Unfortunately, the HRC continues to receive complaints of discrimination against Arabs, Hindus, Muslims, Sikhs, South Asians, West Asians and those so perceived. We are also informed that many victims are reluctant to seek help because they fear misunderstanding and retaliation. There is therefore a great ongoing need for culturally and linguistically appropriate counseling services in the targeted communities.

We are acutely aware of the serious budget constraints in your department. It is ironic that the events of September 11, 2001 played a huge part in causing both the current financial crisis and a grave need for services. The Commission urges you and your staff to think creatively to find a way to implement the important recommendation calling for culturally appropriate counseling services for hate crime victims and their families.

If the Department of Public Health has already taken steps to make

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

counseling services available to hate crime victims in Arabic, Farsi, Hindi, Punjabi, and Urdu, would you kindly inform us of those efforts?

We would be happy to set up a meeting between your office and community representatives. If there is any other way we can help or if you have any questions or ideas, please do not hesitate to contact HRC Staff members Hadas Rivera-Weiss at 252-2528 or Nichole Truax at 252-2517.

Sincerely,

DRAFT

Ghada Saliba-Malouf
Chair, Human Rights Commission

Enclosure

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

DRAFT

December 5, 2002

DOCUMENTS DEPT.

DEC - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Prentice Earl Sanders, Chief of Police
Hall of Justice
850 Bryant Street, Room 525
San Francisco, CA 94103

Dear Chief Sanders,

As you know, the Human Rights Commission (HRC) is greatly concerned about discrimination against Arabs, Hindus, Muslims, Sikhs, South Asians, West Asians and those so perceived. Our Commission thanks you for your participation at the hearing we held in conjunction with the Board of Supervisors' Economic Vitality, Small Business and Social Policy Committee on January 10, 2002.

Based on testimony from that hearing along with community input, HRC has completed a report entitled Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001. The report provides several recommendations for the City, in an effort to address the discrimination faced by the targeted groups. One such recommendation requests that the City affirm its policies barring racial profiling in all forms of law enforcement. In light of that recommendation, we ask that you, as our chief law enforcement officer and as a community leader, publicly affirm your department's policy prohibiting such racial profiling.

We greatly appreciate the cooperation your department has given to the HRC concerning this serious problem. You will find a copy of the report attached. If you have any questions, please do not hesitate to contact HRC's Executive Director, Virginia Harmon, at (415) 252-2500.

Sincerely,

Ghada Saliba-Malouf
Chair, Human Rights Commission

cc Sidney Chan, President, Police Commission
Terence Hallinan, District Attorney

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

DRAFT

December 5, 2002

Ms. Donna Medley, Chief Investigator, Acting Director
Office of Citizen Complaints
480 Second Street, Suite 100
San Francisco, CA 94107-1429

DOCUMENTS DEPT
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

Dear Ms. Medley,

As you know, the Human Rights Commission (HRC) is greatly concerned about discrimination against Arabs, Hindus, Muslims, Sikhs, South Asians, West Asians and those so perceived. On January 10, 2002, HRC and the Board of Supervisors' Economic Vitality, Small Business and Social Policy Committee held a hearing on the discrimination faced by these groups.

Based on testimony from that hearing along with community input, HRC has completed a report entitled Backlash, Violence, Human Rights Violations & Discrimination in San Francisco in the Wake of September 11, 2001. The report provides several recommendations for the City, in an effort to address the discrimination faced by the targeted groups. Based on the findings and recommendations of the report, HRC encourages the OCC to track discrimination complaints for Arabs, Hindus, Muslims, Sikhs, South Asians, West Asians and those so perceived. We realize that many City departments collect data on only a few racial/ethnic groups. By collecting discrimination information on these groups as well, the City will have a more accurate picture of the discrimination these groups face post September 11, 2001.

We greatly appreciate the cooperation your department has given to the HRC in the past. You will find a copy of the report attached. If you have any questions, please do not hesitate to contact HRC's Executive Director, Virginia Harmon at (415) 252-2500.

Sincerely,

Ghada Saliba-Malouf
Chair, Human Rights Commission

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Virginia Harmon
Executive Director

MEMORANDUM

DOCUMENTS DEPT

DEC - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Date: December 3rd, 2002

To: Members of the Human Right Commission

From: Diana Rathbone

Subject: Proposed Public Hearing on Environmental Racism

Earlier this year, HRC held a public hearing relating to a variety of concerns in the African American Community. One of these was allegations of environmental racism, particularly in the Bayview/Hunters Point area of San Francisco.

Commissioners Ward and Sparks are leading HRC's effort to respond to this issue. They are recommending that HRC hold a public hearing, on March 13th, 2003, to further explore the concerns of the community. The hearing would not attempt to resolve the many public health issues involved, but rather to frame the overall debate in terms of the potential racism of locating so many pollutants and environmental dangers in these predominantly African American neighborhoods as opposed to other parts of the City.

The hearing would be held in Bay View/Hunters Point, at the time of the regularly scheduled HRC meeting, possibly at the Bay View Opera House.

Prior to the hearing, in an attempt to define the issues at stake, the Commissioners will hold a meeting with interested voices in the community as well as one with the departments of Public Health and City Planning, as well as any other City agencies the decisions of which have a direct bearing on this issue.

HRC staff members Diana Rathbone and James Fields will head up a team of HRC staff, including Nicole Truax and Sophia Simpliciano who will organize the hearing, and Preston Tom who will be responsible for further researching the issues.

Public Utilities Commission/HRC Office
1155 Market Street, San Francisco
CA 94103
Website:
http://www.ci.sf.ca.us/sfhumanrights

TEL (415) 554-3100
FAX (415) 554-3107
TDD (415) 252-2550
E-mail: sfhumanrightscom@ci.sf.ca.us

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Antonio Salazar-Hobson
Martha Knutzen
Theresa Sparks
Charles L. Ward

December 12, 2002

DRAFT

DOCUMENTS DEPT

DEC - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Denise Debartolo York
John York
Owners
San Francisco Forty Niners
4949 Centennial Blvd.
Santa Clara, CA 95054

Dear Ms. Debartolo York and Mr. York:

We are writing this letter to express our deep concern regarding homophobic statements that player Garrison Hearst expressed in a Fresno Bee article (11/21/02 "Life Still Tough For Gay Male Athletes) and the handling of the matter by management.

The Commission is disturbed and offended that Mr. Hearst would refer to gay men as "faggots" and "punks." We are further troubled by the feeble response from Head Coach Steve Mariucci, who was dismissive of the dangerous potential of such hate speech, stating that they were "too busy trying to hit and block passes to be involved in a social issue." And, although we appreciate that Mr. York did publicly denounce Mr. Hearst's remarks, there was no apparent remedy imposed, e.g. fines, suspension from play, censure, or even a written statement of regret from Hearst.

Discrimination in employment on the basis of sexual orientation is prohibited by state law, under the Fair Employment and Housing Act (FEHA) and by local law under San Francisco Police and Administrative Codes. Mr. Hearst's use of the words "faggot" and "punk" constitutes unlawful harassment and furthermore creates an atmosphere of pervasive hostility in the workplace. The players and all employees of the Forty Niner franchise are therefore protected from workplace discrimination and harassment on the basis of their sexual orientation.

We also are concerned about the effect of these remarks on the public. Many fans no doubt feel very uncomfortable attending games where homophobia is tacitly condoned, being demonstrated by the lack of any substantial response to Mr. Hearst's hate language by Forty Niners management. Many fans no doubt do not want to spend money supporting a team that allows its players to publicly use abusive, hateful language against a particular group of people.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.ci.sf.ca.us/sfhumanrights

The language that Mr. Hearst chose to use can have very tangible, sometimes horrible, consequences to people who are, or perceived to be lesbian, gay, bisexual, or transgender (LGBT). According to Community United Against Violence (CUAV), violent physical attacks usually begin with verbal abuse and taunts. Words of hate can lead to discrimination and intolerance at best, or to violence in its worst manifestation: every day throughout the world, people are abused, beaten, and sometimes killed as a result of homophobic hate language and intolerance, and the climate of hostility promoted by these attitudes.

Mr. Hearst's statements affect public perceptions about how to treat LGBT people because as a sports hero he is a role model, particularly to young people. A famous player can influence impressionable youth to emulate that athlete's attitudes and behavior. Unfortunately, Mr. Hearst's remarks send a very negative message to youth that gay people are not to be tolerated or respected. CUAV reports that young people perpetrate the majority of hate-motivated violence against LGBT people. It should also be noted that LGBT youth make up more than 1/3 of all teen suicides due to factors including lack of support and acceptance, threats of violence, and few visible LGBT role models.

It is the obligation of management to protect fans and employees from discriminatory behavior and harassing language. In the same way that we all can agree to work to end racism, we must put equal effort into fighting homophobia. The Commission calls upon the Forty Niners to create a non-discrimination policy that includes sexual orientation and gender identity and to enforce that policy with absolute conviction.

The Commission recognizes that homophobia is one of the last issues to be addressed by professional sports. We can appreciate that there have been few attempts to create a more hospitable climate for gay and bisexual athletes in such a traditionally masculine milieu. The Commission has learned that education is one of the most effective tools for preventing discrimination before it occurs. We would like to offer to provide LGBT cultural competency trainings to the Forty Niner franchise and are available to negotiate the terms necessary to conduct sessions for all staff, players, and management.

The Commission has a strong reputation for excellence in the LGBT trainings we offer. The trainings are highly interactive and provide compassion building exercises and values clarification opportunities, as well as factual information about LGBT communities. Commission staff has already trained Volume Services America management staff in the 3 Com conference room. We are available to assist the Forty Niners with our highly regarded training program.

The Commission looks forward to your timely response to our deep concern about Mr. Hearst's homophobic statements and the potential negative consequences of those remarks. Thank you for your consideration in this matter

Sincerely,

DRAFT

Ghada Saliba-Malouf
Chair

cc: Hon. Tom Ammiano, President, San Francisco Board of Supervisors

To print, select your browser's print button.

fresnoBee.com

Life still tough for gay male athletes

By Milo F. Bryant
The Fresno Bee
Published 11/21/02 14:29:00

Men's team sports are as ready for an openly homosexual player as the Ku Klux Klan is for Louis Farrakhan as its next leader.

"Aww, hell no! I don't want any f----------s on my team," San Francisco 49ers running back Garrison Hearst said after a victory over Arizona. "I know this might not be what people want to hear, but that's a punk. I don't want any f----------s in this locker room."

Hearst's reaction was in response to hearing former NFL player Esera Tuaolo, who played nine years, was coming out of the closet, declaring to the world he is gay.

Many players take Hearst's zero-tolerance stance, and that is disheartening.

More than any other sport, football and its fans thrive on the sport's machismo and testosterone.

"I'm sure that there are other gay players," Gaysports.com editor in chief Fabrice Tasendo says. "I think it would be extremely difficult for an active player to come out. In the mind of football players, being gay is associated with being feminine."

As a defensive lineman, Tuaolo was anything but feminine. Still, being thought of as gay, "acting" gay, knowing somebody gay, being sentimental to gay efforts, saying anything positive about gays puts a football player, a manly man, in line to be cast aside.

"It would be hard for him," 49ers offensive lineman Derrick Deese says about an active player coming out. "He probably wouldn't be invited to many social functions with the team. But, hey, in the end, there are 53 guys in this locker room who have jobs to do. Some guys wouldn't like it, but we're veterans. We would deal with it."

During the HBO magazine show Real Sports, Tuaolo explains the way he felt in a world where he had more than 1,500 peers but was alone.

"F--------t ... queer ...," Tuaolo says, citing terms he said his teammates used for gay men. "There's a joke and it's about anthropologists going to this tribe, and it's about them having intercourse, so they ..."

Tuaolo's voice wavers as he looks away from HBO correspondent Bernard

Goldberg.

"I'm pausing because you just took me back, took me back to me biting my lip again."

Tuaolo left the joke incomplete, much the same way he left his life while playing football.

Even in 2002, 27 years after Dave Kopay and 10 years after Roy Simmon -- both former NFL players who came out, gay male athletes have to live a lie if they want to continue team sports.

From television shows and government officials to movies and music, homosexuality is gaining more acceptance in this country. Still, coaches and players alike struggle with answering questions about coaching and sharing locker-room space with gay players.

"I'm not touching that one," 49ers defensive tackle Dana Stubblefield says. "Nope, I'm not going to touch it."

"Whew ..." Bulldogs men's basketball coach Ray Lopes says, pausing after being asked how a gay member of his team would influence it. "That's a tough one ... man ... I ... I've never gone through that.

"I'd be more concerned about his teammates' reactions to him than my reactions. You'd have to deal with it. But you couldn't act on emotion."

"My goodness ... do I have to answer that?" Bulldogs track coach Bob Fraley says about 20 seconds after hearing the same question. "Man ... I have to think about that one. You see ... speed, power, strength, endurance, balance, rhythm -- this is how we judge an athlete.

"If you're going to separate it, you need to be in the religious realm."

Tuaolo's plight is not about a pastor's sermon. It is about what is preached in the locker room. It is not about going to a church or a mosque. It is about subduing preconceived notions and submitting to common sense.

Women appear to have been able to do it. Lesbianism not only is tolerated in women's sports, it is accepted, evidenced by the WNBA's marketing to gay communities.

"I have that on my team," Bulldogs women's basketball coach Stacy Johnson-Klein says. "But we have a very open team as far as personalities.

"There is absolutely no discrimination from any team member or member of my staff."

Watching the women practice and seeing the camaraderie they display while

relaxing and playing proves Johnson-Klein's point.

"I've actually been in a situation like that," Bulldogs volleyball standout Java Johnson says. "When I was in high school, several of my teammates came out. As long as they knew how I felt and I knew how they felt, we were fine; we never had any problems.

"People who do have problems, they're showing they're immature, shallow and narrow-minded. But the world is changing."

Maybe the world changes outside of men's team sports. Within it, people deal with dynamic and fantastic personalities, many of which possess fragile egos, egos possibly threatened by men who lead Tuaolo's lifestyle.

"It's not a lifestyle," he has said. "It's a life."

It is a life many -- no matter how enlightened -- are not ready to accept.

The columnist can be reached at mbryant@fresnobee.com or 441-6497.

© 2002 , The Fresno Bee

SFGate.com www.sfgate.com Return to regular view

No excuse for 49er's anti-gay comments

Dave Ford
Wednesday, November 27, 2002
©2002 San Francisco Chronicle.

URL: http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/11/27/DD27850.DTL

THE MOST INFURIATING thing about the case of 49er Garrison Hearst, who told the Fresno Bee that he didn't "want any faggots on this team," is that this kind of thing just keeps happening.

And that likely won't change.

All of my 45 years I've watched institutions wittingly or unwittingly sanction homophobia -- from schools doing nothing about bullies calling kids "faggot" to professional sports teams, like the 49ers, playing down the effects of such violent language.

Oh, I know. Hearst apologized Friday and the 49ers expressed contrition. Blah blah. But before the PR people got to coach Steve Mariucci, he had told this paper that the team was "too busy trying to block and hit passes to be involved in a social issue."

There are those who excuse Hearst's actions by saying some players aren't the brightest bulbs in the stadium lights. Or they say that some people don't like the "homosexual lifestyle," or that players shower together and what happens if a gay man's there?

Guess what: Those are excuses. They are called excuses because they excuse behavior. Until the behavior is understood to be inexcusable, the behavior will continue.

And violent gay-bashing language is completely and totally inexcusable.

(By the way, for you straight guys who think that if a gay man showers near you, he ipso facto wants you: Get over it. We don't.)

ALTHOUGH 49ERS OWNER John York publicly denounced Hearst's remarks, the running back received no fine, no suspension.

I think Hearst should have been fired. The 49ers, other sports teams and all sports leagues should have a zero-tolerance attitude toward homophobia and all other forms of discrimination.

Sports teams should hold mandatory sensitivity training. But they'd be called "Say These Words in Public and You're Out of Pro Sports Forever" training.

I don't care if sports stars are sensitive. Indeed, I don't expect them to be. I just expect them to be taught not to make the kinds of public comments that suggest to young males it's acceptable to bash gays -- and that if they do make those comments, they're history.

But professional athletes aren't going to change without a compelling reason. Social pressure isn't enough. Change will come only when the institutions paying players' salaries create clear consequences for offensive behavior. Fines and suspensions won't do it. Threaten players' careers, they'll learn.

BUT TEAMS WILL change only when they, too, face consequences for their policies and actions. Sports leagues need to step up and say unequivocally that, like racism and other forms of discrimination, homophobia has no place in professional sports. Period.

This will not happen, of course. Sports leagues are multimillion-dollar businesses. Fans are customers. As long as some fans agree with the Garrison Hearsts of the world, sports franchises will not risk losing fan dollars by confronting tough social issues.

So teams will hold well-scripted press conferences and say Important Words. They may throw a few well-aimed public relations dollars to lesbian and gay charities. Then they will talk about "putting this behind us."

And everything will seem fine until the next bonehead millionaire athlete uses a gay slur -- and it just keeps happening.

Again and again and again.

E-mail Dave Ford at dford@sfchronicle.com.

©2002 San Francisco Chronicle. Page D - 12

SFGate.com www.sfgate.com Return to regular view

Gay bar still loves 49ers
Hearst slur noticed, dismissed -- but loss to Eagles really hurts

SCOTT OSTLER
Tuesday, November 26, 2002
©2002 San Francisco Chronicle.

URL: http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/11/26/MN108641.DTL

Garrison Hearst, as it turned out, did not buy shooters for the house Monday night at San Francisco's No. 1 and maybe only true gay sports bar.

Every time the 49ers score a touchdown, the barkeeps at Uncle Bert's Place on 18th Street in the Castro pour Schnapps shooters for the crowd. A Hearst TD would have been what the guys at Bert's might have called a fairy-tale ending to the Hearst gay-slur saga.

Alas, Hearst never scored. Much worse, the 49ers lost their Monday Night Football battle to the Philadelphia Eagles, and the fellas all went home disappointed.

This is a hard-core 49er fan house. They follow the Giants here, too, and sports in general. But football is king.

Several other gay bars show football games, but only at Uncle Bert's do they accord the game its proper reverence. At 6 o'clock sharp Monday night, Sylvia behind the bar shuts off the stereo -- yes, Donna Summer, that was your "Last Dance" -- and cranks up the TV sound so patrons can hear what Al Michaels and John Madden have to say about Our 49ers.

Sports is quietly king here. There's a trophy case with hardware commemorating the years of glory for softball teams Uncle Bert's has sponsored in local rec leagues. And they take the 49ers seriously.

Hearst and his teammates might be surprised to know that they have a loyal, sizable, dedicated, knowledgeable and semi-rowdy following here in the Castro.

The fellas even had their own mini-riot right here at Castro and 18th after a 49ers Super Bowl victory. They flung rolls of toilet paper over the Muni power wire, rocked a taxicab a bit and blocked traffic. A cop car was called.

"We're not that violent," one of the patrons says with a chuckle.

No, but they're loud. When the 49ers are rolling, so are the boys at Uncle Bert's, in the front bar and back in the patio, where on football Sundays the management barbecues

burgers and hot dogs. Any football game is beer-bust time,

where your $7 glass is refilled endlessly.

There are straight patrons here, too, and women -- your San Francisco mixed bag. Most of the clientele is gay, but nobody's keeping track. They're all 49er fans. On an average Monday night, a handful might be here. This Monday night it's a fairly full house, with everyone watching the game.

As for the Garrison Hearst stuff, it got a fairly low reading on the buzz meter. No booing when Hearst carried the ball the first time. No groundswell of outrage or resentment. No Hearst jerseys burned. Most of the guys say Hearst's slurs and subsequent apology weren't a major topic of conversation in their workplaces or social circles.

Mike Groark says he cringed when he heard what Hearst said, because Groark was worried about 49er team chemistry.

"Don't raise anything that's gonna distract from the team," Groark says.

On one hand, no gay guy here is a virgin when it comes to homophobic slurs. On the other hand, it hurts when the F-word is coming from a guy you root your heart out for.

On the third hand, there's plenty of other stuff to worry about for 49er fans. Groark and others are concerned with coach Steve Mariucci's infamous compassionate conservatism, his lack of killer instinct.

"To get that lead at San Diego and sit on it," Groark says, "that pissed me off."

Dave Lara, though, was stung by the Hearst controversy. He says he worked hard as a volunteer on the 49ers' stadium-bond campaign. And he indirectly helps pay Hearst's salary. "And guess what?" he asks parenthetically. "Still no new stadium."

Lara wonders why Hearst would worry about the possibility of a gay teammate in the locker room.

"I was in the Navy," Lara says, "I never looked at anyone's ass. It's a job.

Besides that, he ain't all that."

Reggie Place, like most of the patrons I talked to, took Hearst's comments in stride:

"At first I was upset, but after his apology, I figured it was just the testosterone talking."

Rhys Patrick, a 20-year 49er fan, took the freedom-of-speech view. "I prefer for him to (say publicly) that he's anti-gay."

So judging from our little informal survey, The Catch and The Drive will not be joined in 49er Valhalla by The Slur.

These fans would just as soon talk about Jeff Garcia or the kicker situation or Mr. Showman, Terrell Owens.

"I like a little showboating," Groark says, "as long as you can back it up. Besides, he's our boy. It's like our mayor -- he's a crook, but he's our crook. "

Just outside the bar, life went on. Around the corner, the Gay Men's Chorus was singing Christmas carols as Mr. and Miss Gay San Francisco (who knew?) presided over a Christmas-tree lighting. Across the street at two other bars, the TVs weren't tuned to Monday Night Football.

But inside Uncle Bert's, it was all about the 49ers. The team lost, but these are real fans, and they'll be back on Sunday.

E-mail Scott Ostler at sostler@sfchronicle.com.

©2002 San Francisco Chronicle. Page A - 2

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Equal Opportunity & Minority/Women/Local Business Enterprise
Nondiscrimination in Employment, Public Accommodations & Housing
Lesbian, Gay, Transgender & HIV
Youth & Education

Virginia Harmon
Executive Director

MEMORANDUM

DOCUMENTS DEPT.

DEC - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Date: December 3rd, 2002

To: Members of the Human Right Commission

From: Diana Rathbone

Subject: MBE/WBE/LBE Outreach and Diversity in Employment and Local Hiring Program at the San Francisco Public Utilities Commission (PUC)

INTRODUCTION.

The San Francisco Public Utilities Commission is about to embark on a $4 billion renovation of the Hetch Hetchy System which supplies water to San Francisco as well as a large part of the Peninsular. Developed early this century by Michael O'Shaughnessy, the system is a series of pipes which carry water from the Hetch Hetchy Reservoir, close to Yosemite Valley, all the way across the Central Valley and down to the Bay Area. The entire system is old, vulnerable (especially to earthquakes) and in need of repair.

In order to assist with this huge undertaking, the PUC hired Water Infrastructure Partners, a joint venture of Jacobs Civil, Inc. and Primus Infrastructure, LLC, to assist with program management. The joint venture's contract with the City includes a diversity task order, designed to ensure opportunities for minorities and women as well as to local residents and businesses during the estimated thirteen years of construction.

As part of the Diversity Task Order, HRC, in conjunction with the PUC, has developed an MBE/WBE/LBE outreach program and a diversity in employment and local hiring program.

MBE/WBE/LBE OUTREACH

Under Chapter 12D.A of the San Francisco Administrative Code, it is the department's responsibility to solicit the interest of MBEs, WBEs and LBEs on City contracts. To facilitate this process WIP, in conjunction with HRC and PUC, has hired an outreach specialist. The specialist attends PUC pre-bid meetings and then contacts all MBEs, WBEs and LBEs which

Public Utilities Commission/HRC Office
1155 Market Street, San Francisco
CA 94103
Website:
http://www.ci.sf.ca.us/sfhumanrights

TEL (415) 554-3100
FAX (415) 554-3107
TDD (415) 252-2550
E-mail: sfhumanrightscom@ci.sf.ca.us

might be interested in bidding the contract either as a prime or subcontractor. Throughout the bidding process, the specialist then puts potential prime contractors in touch with interested MBEs and WBEs and vice versa.

Since the program began nearly a year ago, the number of MBEs and WBEs bidding the PUC has substantially increased. Just one example: a WBE which had never bid the City before became interested after being constantly contacted through the program and successfully bid the landscaping at the Lombard Street Reservoir - a high profile San Francisco site.

Currently, the program is limited to construction contracts. In the new year, we plan to expand it to include professional services.

DIVERSITY IN EMPLOYMENT AND LOCAL HIRING PROGRAM

The goal of the program is to place disadvantaged local, minority and women construction workers for long term assignments on PUC construction sites. It is based on a three pronged approach:

1. **Certified Payroll Tracking.** This is the HRC's responsibility. Through WIP, we have access to a full time assistant to enter certified payroll employment data into a workforce tracking data base. Certified payroll is a state and federally required form used to track prevailing wages on these same jobs, so there is no additional reporting burden for the contractors. Once the data is entered, the database is programmed to produce reports tracking the utilization of minorities, women and local workers on these jobs in compliance with HRC's construction hiring goals.

2. **One Stop Shop for Hiring through San Francisco Community Based Organizations.** Contractors are encouraged to hire workers from local CBOs on all City projects, in order to meet their minority, women and local hiring goals. To assist PUC contractors, WIP, in conjunction with HRC and PUC, has hired On The Move Staffing Services, a certified M/WBE, to serve as a single point of contact. On the Move has created a database of employees referred by the CBOs as well as other sources. These employees have already been interviewed by On The Move to ensure their suitability and readiness for placement when a referral request comes in. On The Move has also developed relationships with the different unions so that placements can be carried out in a cooperative manner. When a contractor is in need of a new worker, all it has to do is fill out a referral request form and forward it to On The Move seventy two hours in advance. On The Move then recruits potential candidates from the data base and/or from the CBOs, makes arrangements with the union as necessary and sends the worker to the site.

It should be noted that PUC presents particular challenges for such a program, in that many of its construction sites are not only outside San Francisco, but frequently as far away as

Hetch Hetchy and beyond. We are currently considering contacting CBOs outside San Francisco for help in making placements at these far distant sites.

Currently, we are still in the development stage and have made only two test placements. However, these have been more than successful. Both have now lasted over two months, which is particularly gratifying given that they are both outside the City: one at Harry Tracy Water Pollution Control Plant, just beyond Daly City, and the other at the Pulgas Water Temple at Crystal Springs Reservoir off Highway 280. These are large projects which will take a year or more to complete, thus offering long-term employment.

Starting in the new year we will expand the program. We plan to limit our efforts to projects over $1 million and with more than 1500 hours of projected work. For smaller projects, we will work with frequent PUC bidders to achieve placements with particular contractors, in the hope that the contractors will have enough PUC work to keep the referral employed at different sites for a year or two.

The hours worked by these referrals are also tracked in the database so that we can monitor the success of the program. If a referred worker is absent from the job site for sickness, apprentice ship training or other personal reasons, the contractor may apply for and HRC may approve a waiver for the hours of absence. If approved, waiver hours are counted towards the hours worked by the referred worker.

3. Follow-Up with and Assistance to Referrals placed from CBOs on PUC Construction Sites.

Once a worker has been referred, On the Move provides follow up support for the remainder of the job and visits the job site at least twice a month.

Assistance can include anything from moral support to legal or daycare referrals. The idea is to prevent special circumstances from interfering with the worker's ability to stay on the job. All referred workers sign a release form allowing On The Move to discuss their performance with the project superintendent. This allows On The Move to assist with any problems before they lead to the worker quitting the job.

The program benefits greatly by the personal and professional relationships that develop between the contractor, On The Move and the referred worker.

CONCLUSION.

We are very excited by the initial success of both these programs and have high hopes for the coming years. Hetch Hetchy is a civic treasure and it is only fitting that the full diversity of San Francisco's population contribute to its successful renovation.

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

December 12, 2002

DRAFT

DOCUMENTS DEPT.

DEC - 9 2002

SAN FRANCISCO
PUBLIC LIBRARY

Mr. Henry Nunn, Chief
Division of Apprenticeship Standards
California Department of Industrial Relations
455 Golden Gate Avenue, 8th floor
San Francisco, CA 94102

Mr. Rick Browning, Business Manager
International Union of Elevator Constructors, Local #8
400 Treat Avenue, Suite E
San Francisco, CA 94110-1328

Dear Messrs. Nunn and Browning:

The Human Rights Commission is in receipt of the attached letter from Ms. Debra Tudor.

In light of the concerns expressed by Ms. Tudor, the Commission requests that you provide us with the following information regarding the Joint Apprenticeship Training Committee for the Elevator Industry (JATC):

1. What has been the process for setting up the JATC?
2. What are the requirements for membership of voting and non-voting members?
3. What is the process for appointment of committee members?
4. Who are the current members of the committee and whom do they represent?
5. What is the current make-up of the committee by race and sex?
6. What is the term of service for committee members?
7. How many meetings has the committee held since its formation?
8. What efforts are being made in order to assure a balanced representation of minorities and women on the committee?

(continued)

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

The Human Rights Commission is happy to learn of the establishment of the JATC for the Elevator Industry and looks forward to your prompt response to our questions.

Thank you.

Sincerely,

DRAFT

Ghada Saliba-Malouf
Chair, Human Rights Commission

cc: Suzanne Marria, Asst. Director, Department of Industrial Relations
Jim Calhoun, Director, Division of Apprenticeship Standards
Hon. Carol Migden, California State Assembly
Hon. Willie L. Brown, Jr., Mayor
Jonnie Robinson, Mayor's Office
Debra Tudor
Jennifer Stafford
L.J. Dolin

September 23, 2002

Ghada Salida-Malouf, Chairperson
Human Rights Commission
25 Van Ness Ave, Suite 800
San Francisco, CA 94102-6033

Dear Chairperson,

Your Commission is about to recognize and commend the IUEC, Local #8 officers. This recognition is scheduled for September 26, 2002. Prior to this "celebration," however, I would like to inform you of recent events which may impact your decision. My purpose is to document the participation of the HRC Employment Committee with the IUEC with particular focus on the NCAP.

I was recently invited to address the HRC EC; at their meeting of September 5, 2002. I spoke to the Committee members and also participated in a discussion about the establishment of the apprenticeship program for elevator constructors. Following the discussion, the Committee voted on a resolution to recognize and commend the officers of the IUEC, Local #8 for their "time, effort and dedication" to the establishment of this apprenticeship program. I strenuously objected to this commendation on the grounds that the intentional exclusion of females in this trade still exists as more specifically described below.

In the past two months, the Apprenticeship Program has held at least two meetings; in which neither Jennifer Stafford nor I were notified even though we are both nonvoting Advisors to the Committee. Rick Browning, the Business Agent for Local #8, defended this omission by contending that "the two meetings were administrative only" and suggested that Jennifer and I would be "involved with issues regarding hiring goals." When the Employment Committee questioned him about the "hiring goals" for females, he did not know what they were, and he did not know where to find them, and he seemed surprised at the content when he finally read them!

On September 11, 2002, I talked to Jim Calhoun, State DAS Consultant, who stated that Local #8 had informed him that Jennifer Stafford and I "had left the industry" and that there is "a conflict of interest existing in our participation with the Employment Committee." This comment, and the conduct I've described above, repudiates the very purpose of the Northern California Apprenticeship Program: Jennifer Stafford and I are both Associate Safety Engineers (Elevators), i.e., State Elevator Inspectors; we are both NAESA Qualified Elevator Inspectors; we are both focused on elevator safety and the participation of minorities and females in the elevator industry--the only difference is we both work for the State, not the Union and not the companies. Jennifer Stafford and I have worked for over 20 years to address the inequities in education and on-the-job experience afforded to minority men and females in this industry.

S.F. HUMAN RIGHTS COMMISSION
02 SEP 23 AM 11:40

415-431-5764

Cover Sheet

Pages – 2

Fax Memo:

Please distribute copies to:

Virginia Harmon
Mary Gin Starkweather
Frank Anderson, Sr.
Linda Chin
Larry Lee

Ba (1)

City and County of San Francisco

Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, California 94102-6033
415-252-2500 Phone
415-431-5764 Fax

Immigrant Rights Commission
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
Phone 415-554-4789
Fax 415-554-6177

December 12, 2002

DOCUMENTS DEPT.
DRAFT
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

Mr. Norman Y. Mineta, Secretary
U.S. Department of Transportation
400 7th Street, SW
Washington, D.C. 20590

Dear Secretary Mineta:

The San Francisco Human Rights Commission is writing again to express its deep concern about the discriminatory effect of section 111 of the Aviation and Transportation Security Act, ("ATSA"), Public Law No. 107-71, passed on November 19, 2001 which requires that airport screeners be U.S. citizens. San Francisco Mayor Willie Brown and the San Francisco Board of Supervisors continue to share the Commission's concerns for the 950 incumbent screeners terminated from their employment on November 19, 2002, as a direct result of the implementation of the act. The incumbent screeners, lawful permanent residents who were employed as airport screeners until November 19, 2002, were summarily fired from their jobs without any process whatsoever to determine whether their continued employment would pose a security risk. At this time they are prohibited by the citizenship requirement from reapplying as federal screeners, notwithstanding that some have worked for more than ten years at their present employment.

On November 14, 2002, the San Francisco Board of Supervisors passed resolution 02119 urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners. Mayor Brown signed Resolution 021819 on November 15, 2002. A copy of the resolution is attached hereto for your convenience. On the same day U. S. District Court Judge Robert Takasugi declared ATSA section 111 U. S. citizenship provision unconstitutional on November 15, 2002.

Clearly, the discriminatory provisions of section 111 of ATSA serve no interest of furthering aviation security, Congress' sole stated purpose in enacting ATSA. Moreover, no explanation has been offered to justify terminating the 950 incumbent screeners en mass. In airports such as SFO, where more than 80 percent of screeners were non-citizens, enforcement of the citizenship requirement virtually eliminated all experienced and tested screeners in favor of new employees with no background or know-how in this difficult security work. Ironically, the immediate

impact of the citizenship requirement has not been to enhance aviation security, but to jeopardize it further, a dangerous development with potentially tragic consequences to the American flying public.

It is evident that the citizenship provision for screeners will not contribute to improvement of aviation security. No other airport employees are subject to ATSA's citizenship requirement. Non-citizen workers in other sensitive classifications have virtually unrestricted access to secure areas including the aircraft, airfields and luggage storage areas. Even pilots and flight attendants, as well as members of the National Guard, need not be U. S. citizens.

Again, we urge you to reconsider the citizenship requirement contained in ATSA section 111 and to expedite the immediate return of the incumbent screeners to their positions at San Francisco International Airport. The United States is a country of immigrants, and the ATSA's citizenship requirement is devastating the local Filipino immigrant community. Throughout 2002, the Mayor's Office, the Board of Supervisors, and Human Rights Commission heard testimony from numerous persons who were in imminent danger of losing their livelihoods and their homes. Now because the ATSA's adverse impact has been realized most of these loyal, legal residents will have extreme difficulty in finding alternate employment with commensurate wages and benefits.

Thank you for your consideration of this matter.

Sincerely,

DRAFT

Ghada Sabra Malouf
Chair, Human Rights Commission

Diana Lau
Chair, Immigrant Rights Commission

cc: George Walker Bush, The President
The Honorable Rosario Marin, Treasurer of the United States
The Honorable Dianne Feinstein, United States Senate
The Honorable Barbara Boxer, United States Senate
The Honorable Nancy Pelosi, The United States House of Representatives
The Honorable Tom Lantos, The United States House of Representatives
The Honorable Willie L. Brown, Mayor of San Francisco
The Honorable Tom Ammiano, President, Board of Supervisors
The Honorable Gerardo Sandoval, Member Board of Supervisors
The Honorable Christopher Daly, Member Board of Supervisors
The Honorable Matthew Gonzalez, Member Board of Supervisors

FILE NO. 021819 RESOLUTION NO. 768-02

[Resolution to retain experienced airport screeners at San Francisco International Airport]

Resolution urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners.

WHEREAS, The Aviation Security Bill, S.1447, signed into law by President George W. Bush on November 19, 2001, allowed for five airports nationwide to remain privatized as part of a pilot program; and

WHEREAS, on December 10, 2001, the San Francisco Board of Supervisors adopted Resolution No. 983-01 urging the San Francisco International Airport to apply to be one of the five airports that could remain privatized in order that we may retain our experienced screeners;

WHEREAS, On January 7, 2002, the San Francisco Immigrant Rights Commission adopted Resolution No. 010702 urging the Mayor's Office, the Airport Commission and the Director of San Francisco International Airport to take all additional steps necessary to ensure the job security of the immigrant baggage screeners working at the airport;

WHEREAS, On May 29, 2002, SFO Airport Director John L. Martin applied with the U.S. Department of Transportation's TSA for SFO to designated as one of the Pilot Programs on the basis that "the level of screening services and protection provided by our current contract security staff will be equal to or greater than that provided by federal government personnel";

WHEREAS, In June 2002, the Federal TSA accepted San Francisco's application to be a pilot program and be exempted from federalization;

WHEREAS, The San Francisco community, including elected officials, rejoiced in SFO being selected as one of the Pilot Programs with the understanding that this would allow greater opportunity for retaining experienced screeners;

WHEREAS, In September, in a meeting with the current Pre-Board Screeners, the TSA announced that even with the Pilot Program, they will require that incumbent screeners have to go through the same assessment process as those who apply at federalized airports;

WHEREAS, Several news reports including one published by the Los Angeles Times on September 24 titled "New Airport Screener Jobs Going Mostly to Whites", have shown that the assessment test employed by the TSA are weeding out many experienced screeners due the computer-based format and other tests that are not job-related;

WHEREAS, At Oakland and San Jose Airports, the overwhelming majority of experienced screeners did not pass the federal assessment test which applicants have claimed to be discriminatory against current screeners and minority workers;

WHEREAS, In October, TSA announced that Covenant Aviation Security (CAS) has been selected as the private contractor that will employ Pre-Board Screeners at SFO;

WHEREAS, Under the current plan of the TSA and CAS, all incumbent Pre-Board Screeners will be replaced by new hires by November 19, 2002;

WHEREAS, TSA and CAS' plan is to assess the current screeners last, and only after they have been laid off their jobs,

WHEREAS, Even with the Pilot Program, no provisions have been made to give the incumbent screeners priority in hiring;

WHEREAS, San Francisco International Airport was the first airport in the country to institute a quality standards program for baggage screeners to address the quality of airline checkpoint security services; and,

WHEREAS, The quality standards program mandates that security screeners at San Francisco International Airport have a high school degree, be English proficient, and have a background check covering ten years; and,

WHEREAS, Many of the current baggage screeners at San Francisco International Airport are permanent legal residents and are currently applying for citizenship; and,

WHEREAS, Under the current TSA and CAS plan, over 900 Pre-Board Screeners will lose their jobs through no fault of their own and will be the last to be considered; and,

WHEREAS, Under the current TSA and CAS plan, close to 1000 newly-hired and inexperienced screeners will be at the checkpoints during the holidays when the greatest volume of passengers will be travelling; now, therefore, be it;

RESOLVED, That the Board of Supervisors of the City and County of San Francisco urges the Transportation Security Aviation and Covenant Aviation Security to remove parts of the Assessment test that are not job-related and adjust the computer-based format which is biased against the experienced screeners;

RESOLVED, That the Board of Supervisors of the City and County of San Francisco urges the Transportation Security Aviation and Covenant Aviation Security uphold the intent of the SFO Pilot Program to retain experienced screeners by assessing current screeners first and by considering experience in the hiring of new Pre-Board Screeners; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco urges the Transportation Security Aviation and Covenant Aviation Security to hire provisionally, non-citizen screeners who otherwise are qualified to be hired.

City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 021819 **Date Passed:**

Resolution urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners.

November 4, 2002 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Daly, McGoldrick, Newsom

File No. 021819

I hereby certify that the foregoing Resolution was ADOPTED on November 4, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

December 12, 2002

DRAFT

Larry Fleming, Executive Director
Visitacion Valley Jobs Education and Training
333 Schwerin Suite B
Swan Francisco, CA 94134

Dear Mr. Fleming

The Human Rights Commission wishes to thank you for your presentation on the Geneva Towers Housing Replacement Project. The Commission appreciates and commends the huge part that the Visitacion Valley Jobs, Education, and Training (VVJET) program played in the successful demolition and rebuilding of condemned housing projects in Visitacion Valley.

Since its creation in 1996, VVJET has established dynamic partnerships between various public and private non-profit agencies, construction contractors and a range of construction related unions to successfully demolish and rebuild Geneva Towers and other outmoded public housing. These partnerships, combined with the comprehensive job readiness, training, placement and retention programs provided by VVJET have brought over 250 permanent well-paying jobs to Visitacion Valley residents. VVJET has also provided job training, referral and placement to over 800 others individuals.

The Human Rights Commission thanks you for your hard work and dedication and looks forward to your continued success.

Sincerely,

DRAFT

Ghada Saliba-Malouf
Chair, Human Rights Commission

DOCUMENTS DEPT.
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.ci.sf.ca.us/sfhumanrights

80
12/26/02
called

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

CANCELED

Regular Meeting

Thursday, December 26, 2002
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!
The regular meeting of the Human Rights Commission has been canceled in observance of the Holiday Season.

The next regular meeting will be:

January 9, 2002
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

DOCUMENTS DEPT.
DEC - 9 2002
SAN FRANCISCO
PUBLIC LIBRARY

Toni A. Delgado
Commission Secretary

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.ci.sf.ca.us/humanrights

9393

HOUCHEN
BINDERY LTD
UTICA/OMAHA NE.
2004